

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SPANX, INC.,)	
)	
Plaintiff,)	Civil Action
)	
v.)	No. 1:13-cv-00710-WSD
)	
TIMES THREE CLOTHIER, LLC)	
d/b/a Yummie Tummie,)	
)	
Defendant.)	

**SECOND AMENDED COMPLAINT
FOR DECLARATORY RELIEF**

Plaintiff Spanx, Inc. (“Spanx”) alleges as follows for its second amended complaint against Times Three Clothier d/b/a Yummie Tummie (“Yummie Tummie”):

PARTIES

1. Plaintiff Spanx is a Georgia corporation with its principal place of business at 3344 Peachtree Road, NE, Suite 1700, Atlanta, Georgia 30326. Spanx is an apparel company that designs and manufactures, among other things, undergarments, slimming apparel and shapewear, hosiery, swimsuits, and activewear.

2. On information and belief, Defendant Yummie Tummie is a New York Limited Liability Company with its principal place of business at 561 Seventh Avenue, 12th Floor, New York, New York 10018. On information and belief, Yummie Tummie manufactures and sells bodyshaping undergarments and apparel.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code, § 1 *et seq.*, with a specific remedy sought under the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. An actual, substantial, and continuing justiciable controversy exists between Spanx and Yummie Tummie that requires a declaration of rights by this Court.

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Yummie Tummie by virtue of Yummie Tummie's purposeful contact with this district, including, on information and belief, Yummie Tummie's substantial business conducted with customers residing in this district; and Yummie Tummie's attempts to enforce design patents purportedly assigned to it against Spanx, an entity having a principal place of business in Georgia, for alleged infringing activity occurring in Georgia.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391.

FACTUAL BACKGROUND

7. Defendant Yummie Tummie claims to be the owner by assignment of U.S. Design Patent Nos. D606,285S (“the ‘285 Patent,” copy attached hereto as Exhibit A), D616,627S (“the ‘627 Patent,” copy attached hereto as Exhibit B), D622,477S (“the ‘477 Patent,” copy attached hereto as Exhibit C), and D623,377S (“the ‘377 Patent,” copy attached hereto as Exhibit D), D665,558S (“the ‘558 Patent,” copy attached hereto as Exhibit E) and D666,384S (“the ‘384 Patent,” copy attached hereto as Exhibit F) (collectively, the “Patents-in-Suit”).

8. The Patents-in-Suit are related to one another in that the ‘627 Patent, the ‘477 Patent, the ‘377 Patent, the ‘558 Patent, and the ‘384 Patent all claim priority to the ‘285 Patent.

9. Each of the Patents-in-Suit identifies Heather Thompson Schindler as the sole inventor.

10. On or about January 18, 2013, Yummie Tummie (through counsel) contacted Spanx by letter, informing Spanx that Yummie Tummie is the owner of some of the Patents-in-Suit, enclosing a copy of the said patents, and stating that “Spanx is making, offering for sale and selling shapewear products ... in the United States that contain Yummie’s patented designs” and that the Spanx

products “appear substantially the same as the patented designs from the point of view of an ordinary observer, thereby, constituting design patent infringement.” In its January 18 letter, Yummie Tummie identified the allegedly infringing Spanx products as including “The Total Taming Tank A226764, also known as The Spanx Total Taming Tank, the Top This Tank Style 1847 and The Top This Cami Style 1846” (collectively, the “Accused Products”). Yummie Tummie further noted in its letter that it “vigorously enforces the rights in its patents,” referenced patent infringement litigation it recently settled with Maidenform, and demanded, among other things, that Spanx cease manufacturing, offering for sale, and selling the Accused Products.

11. On or about February 14, 2013, Spanx (through counsel) responded to Yummie Tummie’s January 18, 2013 letter, describing in detail significant differences between the Accused Products and Yummie Tummie’s patents that and stating, among other things, that it does not believe the Accused Products infringe Yummie Tummie’s patents.

12. Since Yummie Tummie contacted Spanx in January 2013, counsel for Spanx and Yummie Tummie have communicated on several occasions by telephone and in writing concerning Yummie Tummie’s claims. During these telephone conferences, Yummie Tummie continued to maintain that the Accused

Products infringe its patents and expressed its willingness to enforce its patents against Spanx.

13. On April 2, 2013, a month after Spanx initially brought this action for declaratory relief, Yummie Tummie filed suit against Spanx in the Southern District of New York, asserting that the Accused Products infringe the Patents-in-Suit. Spanx has denied infringement in the New York action and has also asserted that the parties' dispute should not proceed in New York but in this, the first-filed court, the Northern District of Georgia.

14. As a result of Yummie Tummie's previous and continued assertions that Spanx is infringing the Patents-in-Suit, and Spanx's denial of the same, an actual and justiciable controversy exists between the parties of sufficient immediacy and reality to warrant issuance of a declaratory judgment under 28 U.S.C. §§ 2201 and 2202 as to the alleged infringement and invalidity of the designs claimed in the Patents-in-Suit.

FIRST CLAIM FOR RELIEF

**(DECLARATORY JUDGMENT OF NON-INFRINGEMENT
OF THE PATENTS-IN-SUIT)**

15. Spanx restates and incorporates by reference the allegations in paragraphs 1 through 14 above.

16. An actual controversy has arisen and now exists between the parties with respect to the alleged infringement of the Patents-in-Suit. Spanx contends that Spanx's products, including The Total Taming Tank A226764, also known as The Spanx Total Taming Tank, the Top This Tank Style 1847, and The Top This Cami Style 1846 have not infringed and do not infringe any valid claim of the Patents-in-Suit. Upon information and belief, Yummie Tummie currently disputes these contentions.

17. Pursuant to 28 U.S.C. §§ 2201 and 2202, a judicial determination of the respective rights of the parties with respect to the alleged infringement of the Patents-in-Suit is necessary and appropriate under the circumstances.

SECOND CLAIM FOR RELIEF

**(DECLARATORY JUDGMENT OF INVALIDITY
OF THE PATENTS-IN-SUIT)**

18. Spanx restates and incorporates by reference the allegations in paragraphs 1 through 17 above.

19. Spanx contends that the Patents-in-Suit are invalid for failure to meet one or more of the conditions of patentability specified in 35 U.S.C. §§ 102, 103, 112, and/or 171. Upon information and belief, Yummie Tummie disputes these contentions.

20. Pursuant to 28 U.S.C. §§ 2201 and 2202, a judicial determination of the respective rights of the parties with respect to the alleged invalidity of the Patents-in-Suit is necessary and appropriate under the circumstances.

PRAYER FOR RELIEF

WHEREFORE, Spanx prays for relief as follows:

- A. For a judicial declaration that Spanx does not infringe any valid claim of U.S. Design Patent Nos. D606,285S, D616,627S, D622,477S, D623,377S, D665,558S, and D666,384S; and
- B. For a judicial declaration that U.S. Design Patent Nos. D606,285S, D616,627S, D622,477S, D623,377S, D665,558S, and D666,384S are invalid; and
- C. For an order awarding Spanx its costs, expenses, and reasonable attorneys' fees as provided by law; and
- D. For such other and further relief as the Court deems just and proper.

JURY DEMAND

Spanx demands a trial by jury on all issues so triable as a matter of right and law.

Respectfully submitted, this ____th day of ____, 2013.

KING & SPALDING LLP

Natasha H. Moffitt

(Georgia Bar No. 367468)
Laura S. Huffman
(Georgia Bar No. 595909)
1180 Peachtree Street, N.E.
Atlanta, Georgia 30309-3521
Telephone: (404) 572-4600
Facsimile: (404) 572-5134
E-mail: nmoffitt@kslaw.com
E-mail: lhuffman@kslaw.com

Kathleen E. McCarthy
(admitted *pro hac vice*)
1185 Avenue of the Americas
New York, New York 10036
Telephone: (212) 556-2345
E-mail: kmccarthy@kslaw.com

Attorneys for Plaintiff
SPANX, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing
SECOND AMENDED COMPLAINT FOR DECLARATORY RELIEF with the
Clerk of Court using the CM/ECF system, which will send notification of such
filing to Defendant's counsel of record:

Theodore H. Davis Jr.
Kilpatrick Townsend & Stockton LLP
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309

Steven B. Pokotilow
Laura Goldbard George
Binni N. Shah
Stroock Stroock & Lavan
180 Maiden Lane
New York, NY 10038-4982

This __th day of _____, 2013.

Natasha H. Moffitt

Exhibit A



US00D606285S

(12) **United States Design Patent** (10) **Patent No.:** **US D606,285 S**
Schindler (45) **Date of Patent:** **** Dec. 22, 2009**

(54) **GARMENT**(75) Inventor: **Heather Thomson Schindler**, New York, NY (US)(73) Assignee: **Times Three Clothier LLC**, New York, NY (US)(**) Term: **14 Years**(21) Appl. No.: **29/302,500**(22) Filed: **Jan. 17, 2008**(51) LOC (9) Cl. **02-02**(52) U.S. Cl. **D2/840**(58) Field of Classification Search **D2/700-703, D2/731, 732, 828, 840, 718, 737, 847; 2/112, 2/113; 450/96, 94, 115, 116, 122-124, 127, 450/132, 154**

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

1,977,329 A *	10/1934	Tobin	2/113
2,052,935 A *	9/1936	Moran	450/10
D110,662 S *	7/1938	Rielly	D2/714
D129,894 S *	10/1941	Abeles	D2/703
D174,115 S *	3/1955	Dior	D2/703
2,963,022 A *	12/1960	Spetalnik	450/15
3,026,875 A *	3/1962	Kaupp	450/116
3,036,574 A *	5/1962	Jeffrey	450/30
D211,231 S *	6/1968	Sallysy	D2/702
3,454,013 A *	7/1969	Cahill	450/116
D234,649 S *	4/1975	Cascio	D2/703
D239,475 S *	4/1976	Cascio	D2/702
4,916,755 A	4/1990	Feigenbaum et al.	
5,915,531 A *	6/1999	Hilpert et al.	2/69
6,000,993 A *	12/1999	Erwin	450/7
D452,600 S *	1/2002	Kim	D2/702
D453,058 S *	1/2002	Kim	D2/703
D453,255 S *	2/2002	Kim	D2/702

6,430,748 B1 *	8/2002	Burkhart	2/78.1
D556,978 S *	12/2007	Thunstedt	D2/847
2007/0094765 A1 *	5/2007	Summers et al.	2/113
2008/0134409 A1	6/2008	Karasina	

FOREIGN PATENT DOCUMENTS

JP	2006-316359	11/2006
JP	2007-146337	6/2007
JP	2007-303002	11/2007

* cited by examiner

Primary Examiner—Ian Simmons*Assistant Examiner*—Anna J Burmeister(74) *Attorney, Agent, or Firm*—Irah H. Donner; Wilmer Cutler Pickering Hale and Dorr LLP(57) **CLAIM**

The ornamental design for a garment, as shown and described.

DESCRIPTION

FIG. 1 is a front elevation view of Embodiment 1, of a garment;

FIG. 2 is a rear elevation view thereof;

FIG. 3 is a right elevation view thereof;

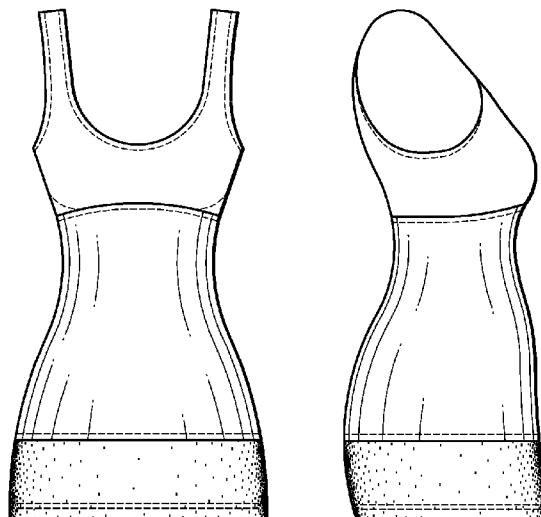
FIG. 4 is a left elevation view thereof;

FIG. 5 is a right side elevation view of Embodiment 2, of a multi-fabric garment, where the front and rear elevation views are the same as FIGS. 1–2; and,

FIG. 6 is a left elevation view of Embodiment 2, of a multi-fabric garment.

The center section and lower section of the claimed design is shaded to illustrate contrasting materials.

The broken lines depicting the stitching shown in the drawings are for environmental structure only and form no part of the claimed design.

1 Claim, 6 Drawing Sheets

U.S. Patent

Dec. 22, 2009

Sheet 1 of 6

US D606,285 S

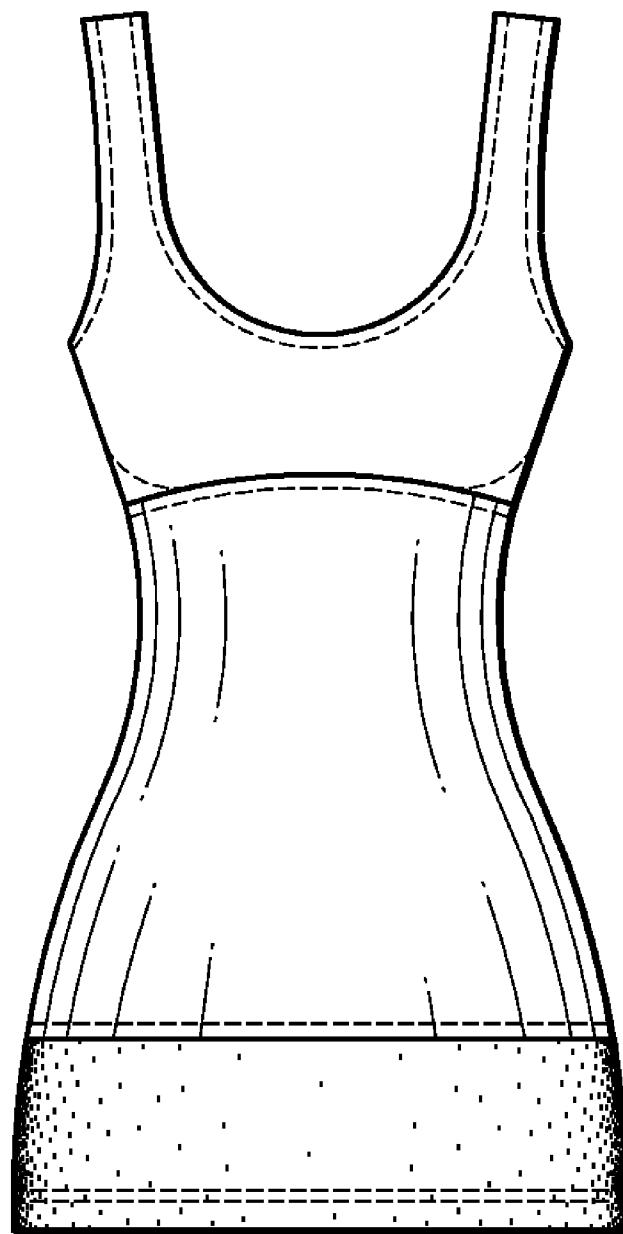


FIG. 1

U.S. Patent

Dec. 22, 2009

Sheet 2 of 6

US D606,285 S

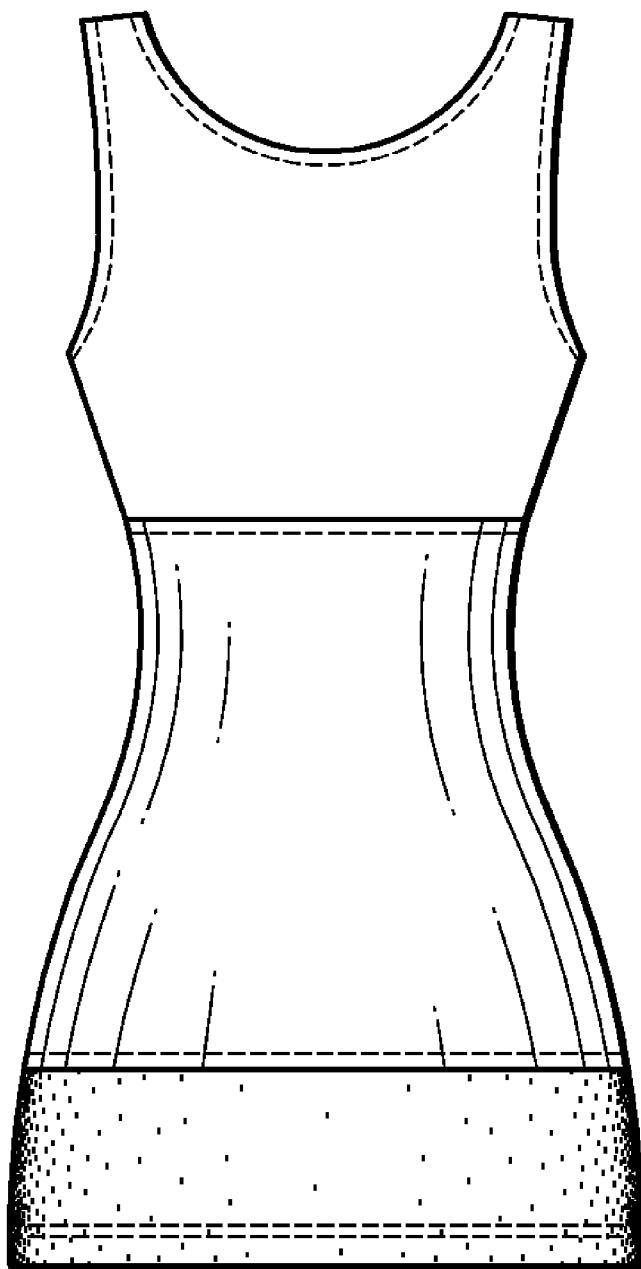


FIG. 2

U.S. Patent

Dec. 22, 2009

Sheet 3 of 6

US D606,285 S

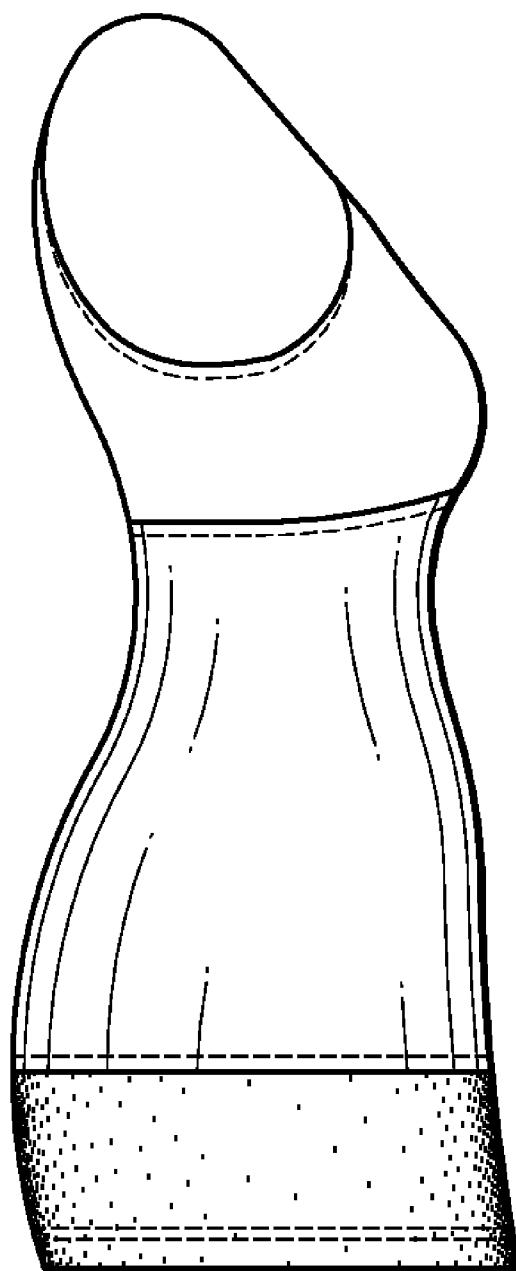


FIG. 3

U.S. Patent

Dec. 22, 2009

Sheet 4 of 6

US D606,285 S

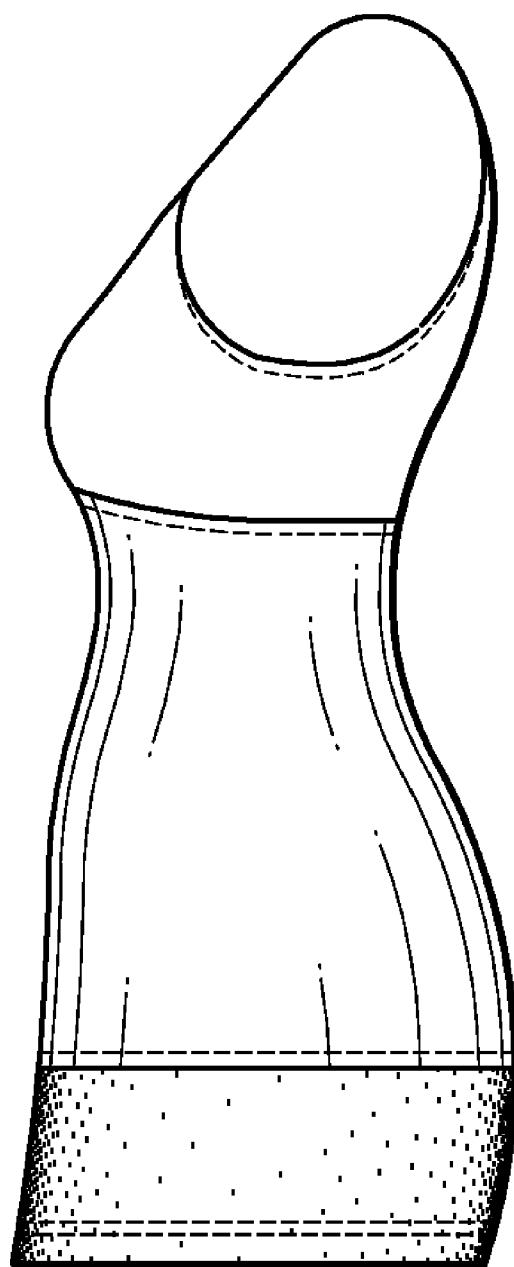


FIG. 4

U.S. Patent

Dec. 22, 2009

Sheet 5 of 6

US D606,285 S

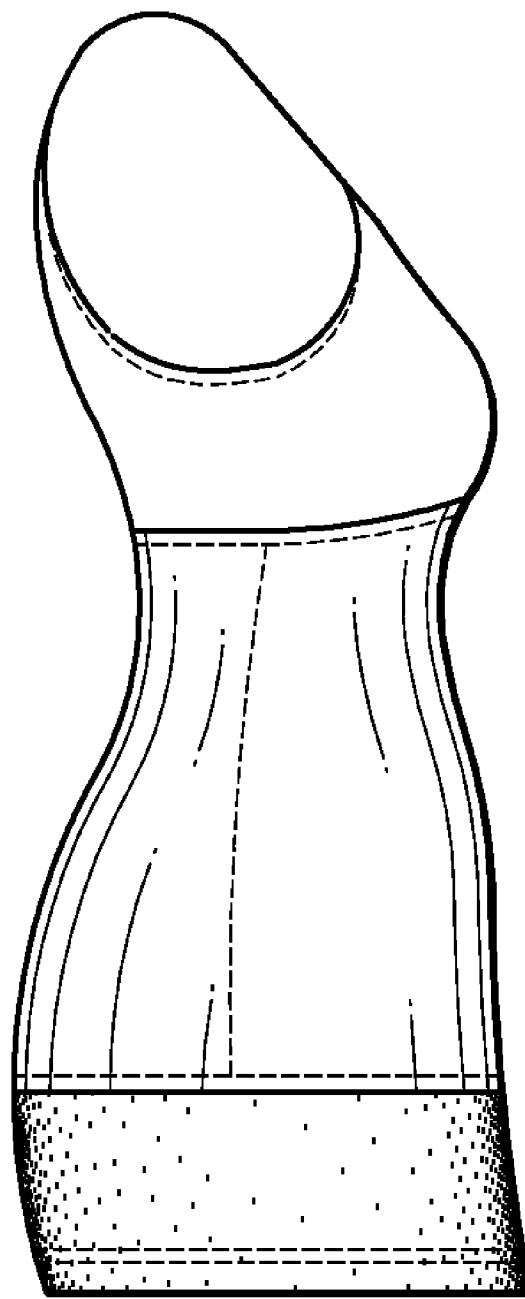


FIG. 5

U.S. Patent

Dec. 22, 2009

Sheet 6 of 6

US D606,285 S

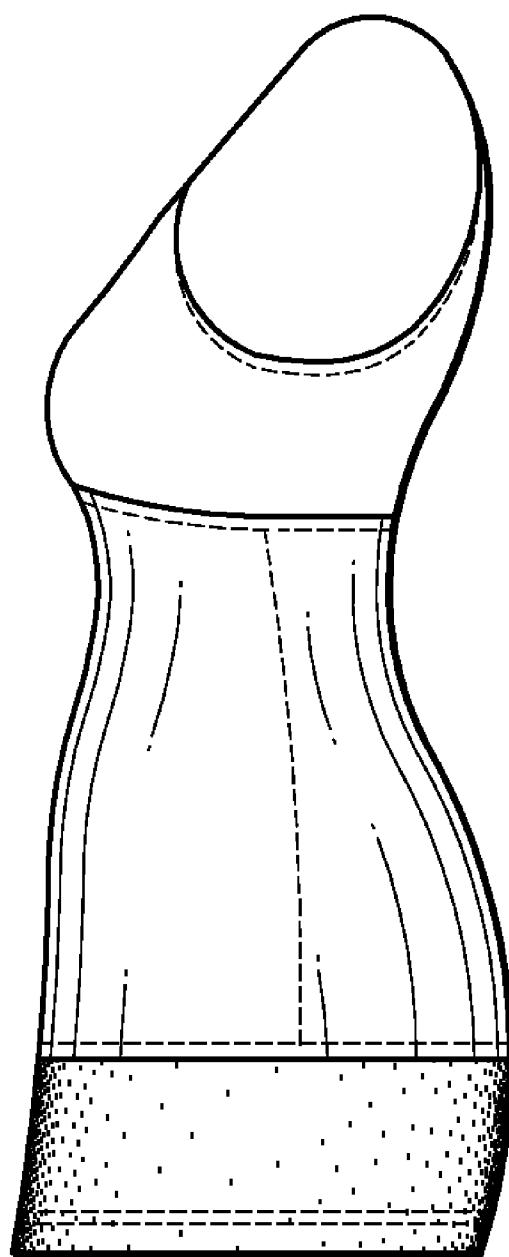


FIG. 6

Exhibit B



US00D616627S

(12) **United States Design Patent** (10) **Patent No.:** **US D616,627 S**
Schindler (45) **Date of Patent:** **** Jun. 1, 2010**

(54) **GARMENT**(75) Inventor: **Heather Thomson Schindler**, New York, NY (US)(73) Assignee: **Times Three Clothier, LLC.**, New York, NY (US)2,963,022 A 12/1960 Spetalnik
3,026,875 A 3/1962 Kaupp

3,036,574 A 5/1962 Nellie

(**) Term: **14 Years**(21) Appl. No.: **29/350,198**

FOREIGN PATENT DOCUMENTS

JP 2006-316359 11/2006

(22) Filed: **Nov. 12, 2009**

(Continued)

Related U.S. Application Data

(63) Continuation of application No. 29/302,500, filed on Jan. 17, 2008, now Pat. No. Des. 606,285.

(51) **LOC (9) Cl.** **02-02**(52) **U.S. Cl.** **D2/702**(58) **Field of Classification Search** **D2/700-703, D2/731, 732, 828, 840, 718, 737, 847, 714; 2/112, 113, 69; 450/96, 94, 115, 116, 122-124, 450/127, 132, 154, 10, 15, 30**

See application file for complete search history.

Primary Examiner—Philip S Hyder*Assistant Examiner*—Anna J Burmeister(74) *Attorney, Agent, or Firm*—Irah H. Donner; Wilmer Cutler Pickering Hale and Dorr LLP**CLAIM**

The ornamental design for a garment, as shown and described herein.

(56)

References Cited

U.S. PATENT DOCUMENTS

357,068 A	2/1887	Dalby
570,696 A	11/1896	Brown
1,774,613 A	9/1930	Pidgeon
1,931,822 A	10/1933	Hoffman
1,977,329 A	10/1934	Clarke
2,052,935 A	9/1936	Moran
D110,662 S	7/1938	Rielly
D128,536 S *	7/1941	Weil
D129,894 S	10/1941	Abeles
2,310,103 A	2/1943	McDonald
2,579,547 A *	12/1951	Cadous
D170,694 S *	10/1953	Kahn
D174,038 S *	2/1955	Goldstein
D174,114 S *	3/1955	Dior
D174,115 S	3/1955	Dior
D174,194 S *	3/1955	Prochaska
D177,982 S *	6/1956	Kahn
		D2/702

DESCRIPTION

FIG. 1 is a front elevation view of Embodiment 1, of a garment;

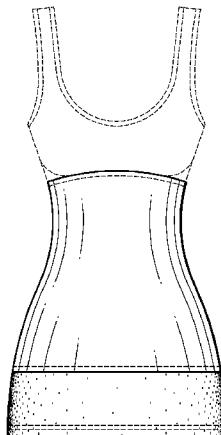
FIG. 2 is a rear elevation view thereof;

FIG. 3 is a right elevation view thereof;

FIG. 4 is a left elevation view thereof;

FIG. 5 is a right side elevation view of Embodiment 2, of a garment, where the front and rear elevation views are the same as FIGS. 1-2; and,

FIG. 6 is a left elevation view of Embodiment 2, of a garment. The center section and lower section of the claimed design is shaded to illustrate different appearance. The broken lines shown in the drawings are for environmental structure only and form no part of the claimed design.

1 Claim, 6 Drawing Sheets

US D616,627 SPage 2

U.S. PATENT DOCUMENTS

D211,231 S	6/1968	Sallysy
3,454,013 A	7/1969	Cahill
D234,649 S	4/1975	Cascio
D239,475 S	4/1976	Cascio
4,916,755 A	4/1990	Feigenbaum et al.
5,915,531 A	6/1999	Hilpert et al.
6,000,993 A	12/1999	Erwin
D452,600 S	1/2002	Kim et al.
D453,058 S	1/2002	Kim et al.
D453,255 S *	2/2002	Kim

6,430,748 B1	8/2002	Burkhart
D556,978 S	12/2007	Thunstedt et al.
D595,480 S *	7/2009	Giugliano
2007/0094765 A1	5/2007	Summers et al.
2008/0134409 A1	6/2008	Karasina
2008/0244805 A1	10/2008	Griffin

FOREIGN PATENT DOCUMENTS

JP	2007-146337	6/2007
JP	2007-303002	11/2007

* cited by examiner

U.S. Patent

Jun. 1, 2010

Sheet 1 of 6

US D616,627 S

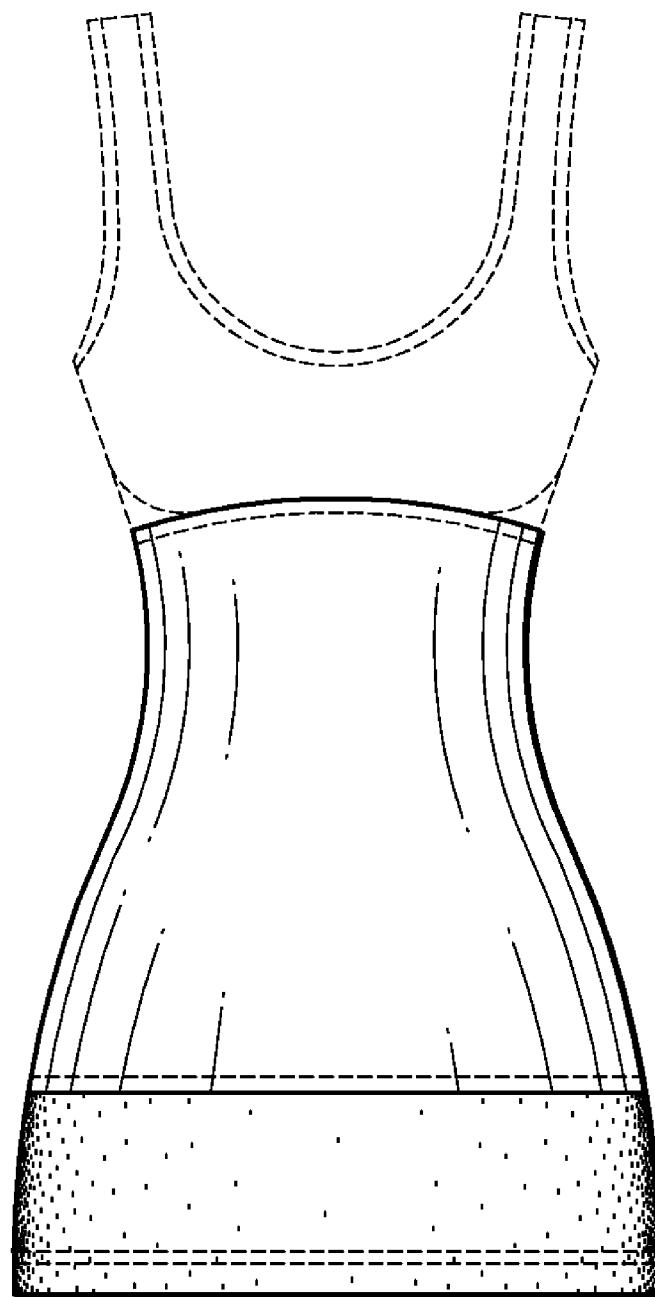


FIG. 1

U.S. Patent

Jun. 1, 2010

Sheet 2 of 6

US D616,627 S

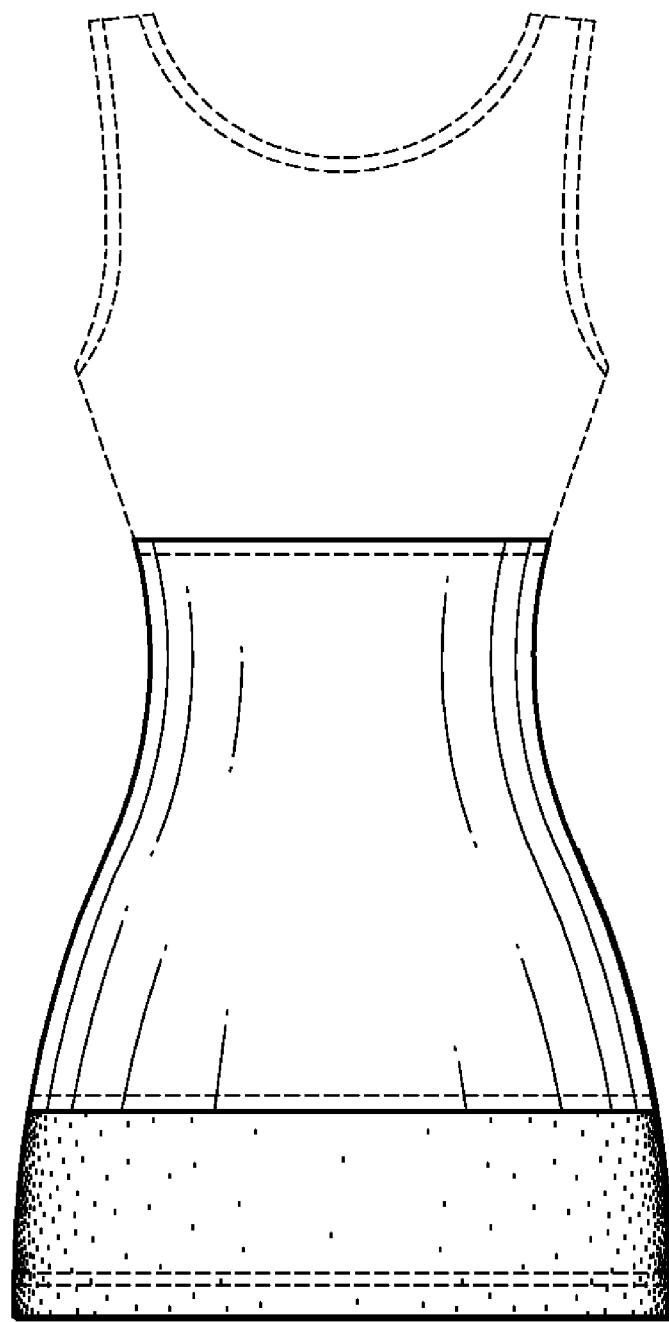


FIG. 2

U.S. Patent

Jun. 1, 2010

Sheet 3 of 6

US D616,627 S

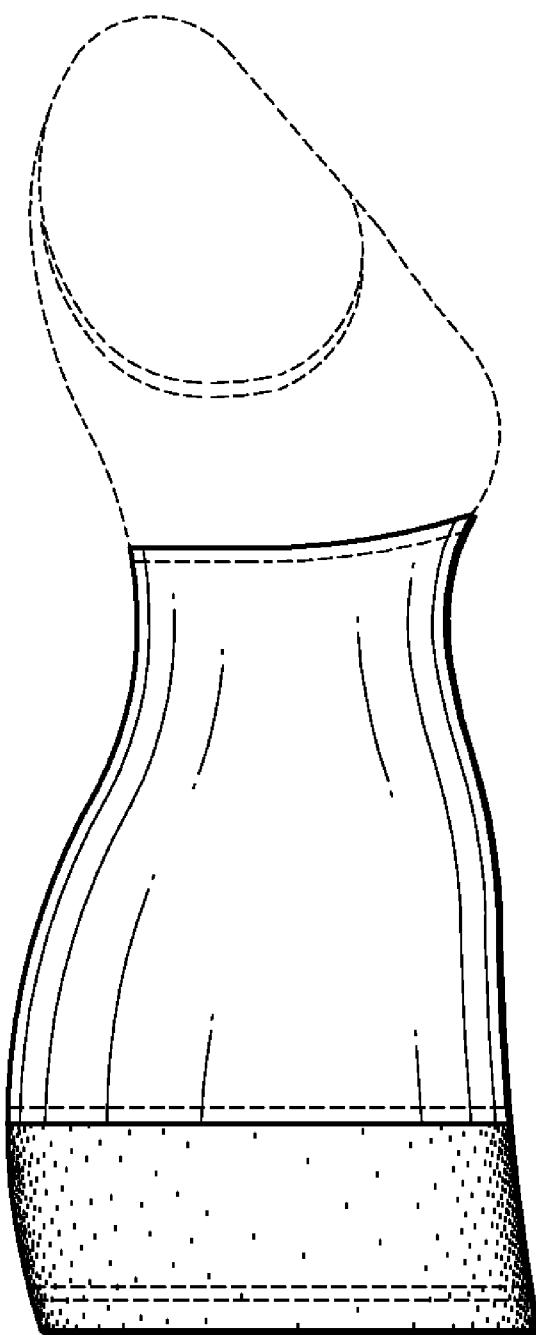


FIG. 3

U.S. Patent

Jun. 1, 2010

Sheet 4 of 6

US D616,627 S

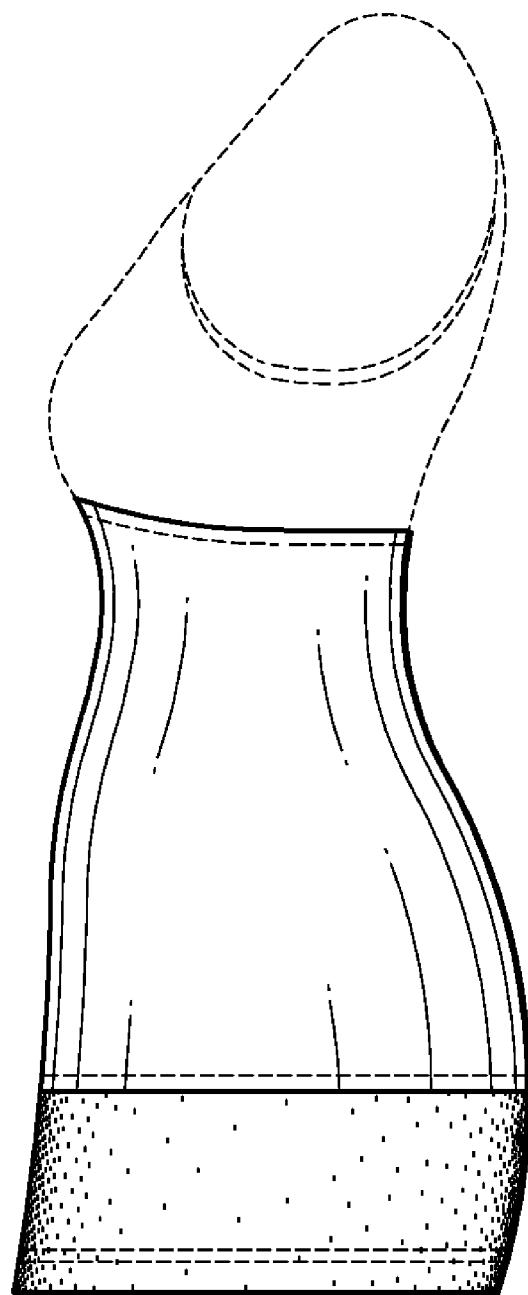


FIG. 4

U.S. Patent

Jun. 1, 2010

Sheet 5 of 6

US D616,627 S

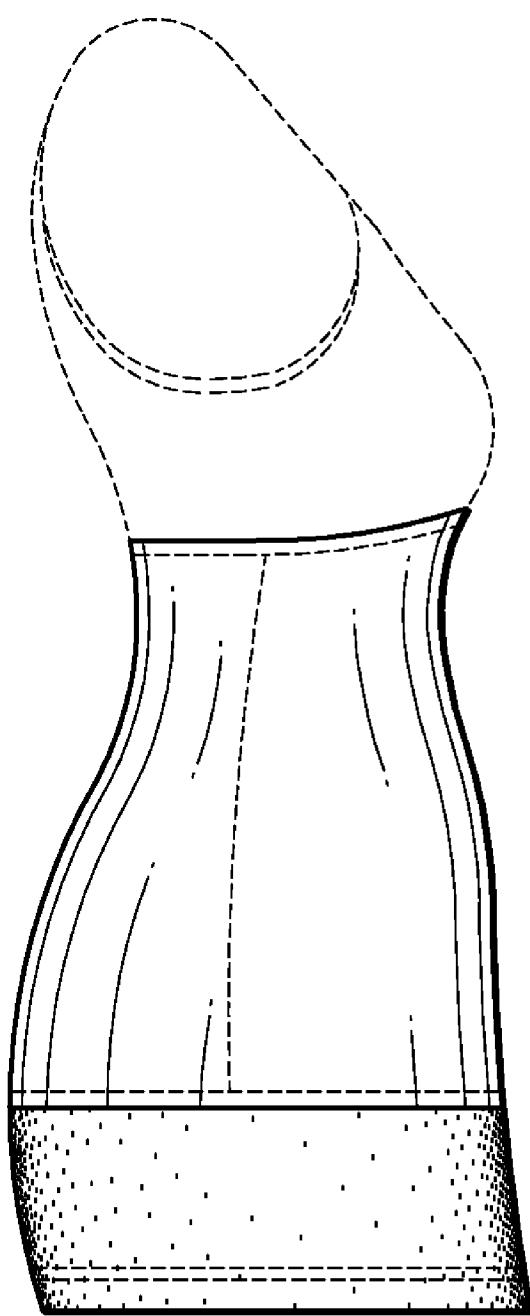


FIG. 5

U.S. Patent

Jun. 1, 2010

Sheet 6 of 6

US D616,627 S

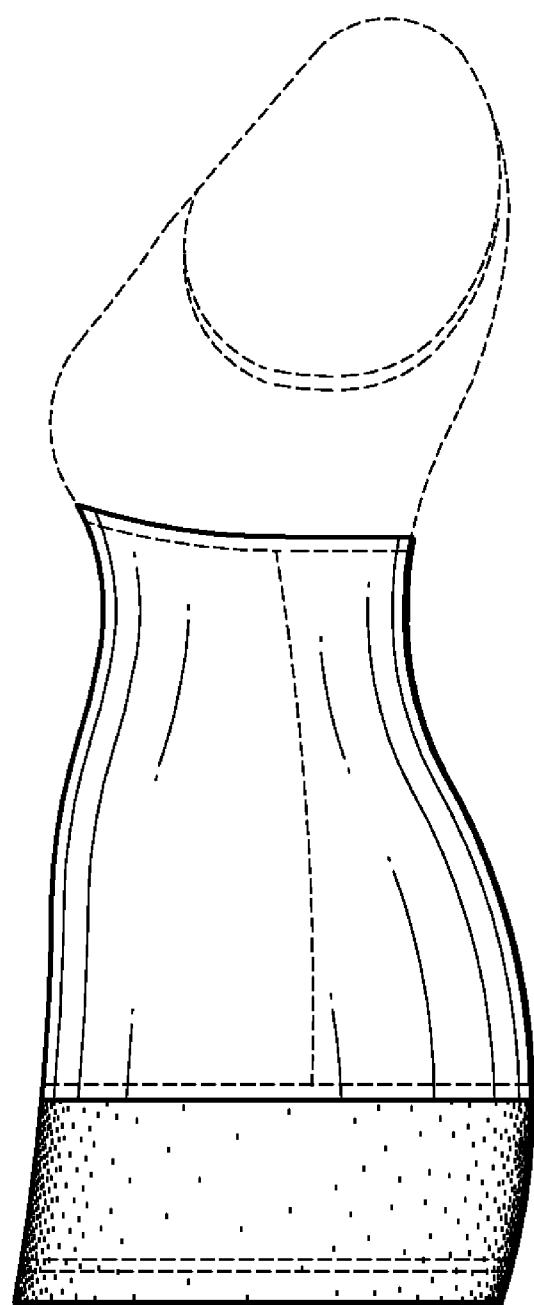


FIG. 6

Exhibit C



US00D622477S

(12) **United States Design Patent** (10) **Patent No.:** **US D622,477 S**
Schindler (45) **Date of Patent:** **** Aug. 31, 2010**

(54) **GARMENT**(75) Inventor: **Heather Thomson Schindler**, New York, NY (US)2,310,103 A 2/1943 McDonald
D152,981 S 3/1949 Kaupp(73) Assignee: **Times Three Clothier, LLC**, New York, NY (US)(Continued)
FOREIGN PATENT DOCUMENTS(**) Term: **14 Years**

JP 2006-316359 11/2006

(21) Appl. No.: **29/362,498**

(Continued)

(22) Filed: **May 26, 2010**(57) **CLAIM****Related U.S. Application Data**

(63) Continuation of application No. 29/362,414, filed on May 25, 2010, which is a continuation of application No. 29/350,198, filed on Nov. 12, 2009, now Pat. No. Des. 616,627, which is a continuation of application No. 29/302,500, filed on Jan. 17, 2008, now Pat. No. Des. 606,285.

(51) **LOC (9) Cl.** **02-01**(52) **U.S. Cl.** **D2/700**

(58) **Field of Classification Search** D2/700-703,
D2/731, 732, 828, 840, 718, 737, 847, 714;
2/112, 113, 69; 450/96, 94, 115, 116, 122-124,
450/127, 132, 154, 10, 15, 30

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

357,068 A	2/1887	Dalby
570,696 A	11/1896	Brown
1,683,510 A	9/1928	Wiese
1,774,613 A	9/1930	Pidgeon
1,931,822 A	10/1933	Hoffman
1,977,329 A	10/1934	Clarke
2,052,784 A	9/1936	Martin
2,052,935 A	9/1936	Moran
D110,662 S	7/1938	Rielly
D128,536 S	7/1941	Weil
D129,078 S	8/1941	Monteil
D129,894 S	10/1941	Abeles

FIG. 1 is a front elevation view of embodiment 1, of a garment;

FIG. 2 is a rear elevation view thereof;

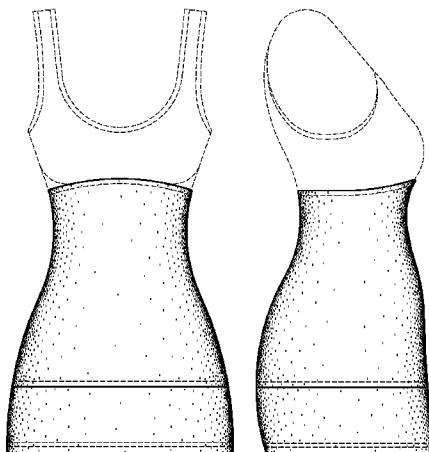
FIG. 3 is a right elevation view thereof;

FIG. 4 is a left elevation view thereof;

FIG. 5 is a right side elevation view of embodiment 2, of a garment, where the front and rear elevation views are the same as FIGS. 1-2; and,

FIG. 6 is a left elevation view of embodiment 2, of a garment.

The phantom and/or broken lines are for illustrative purposes only and form no part of the claimed design. The broken lines depicting the stitching shown in the drawings are for environmental structure only and form no part of the claimed design. The broken lines depicting the human form shown in the drawings are for environmental structure only and form no part of the claimed design.

1 Claim, 6 Drawing Sheets

US D622,477 S

Page 2

U.S. PATENT DOCUMENTS

2,579,547 A	12/1951	Cadous	5,915,531 A	6/1999	Hilpert et al.
D170,694 S	10/1953	Kahn	6,000,993 A	12/1999	Erwin
D174,038 S	2/1955	Goldstein	D452,600 S	1/2002	Kim
D174,114 S	3/1955	Dior	D453,058 S	1/2002	Kim et al.
D174,115 S	3/1955	Dior	D453,255 S	2/2002	Kim et al.
D174,194 S	3/1955	Prochaska	6,430,748 B1	8/2002	Burkhart
D177,982 S	6/1956	Kahn	D556,978 S	12/2007	Thunstedt et al.
D181,626 S	12/1957	Cassini	D595,480 S	7/2009	Giugliano
2,963,022 A	12/1960	Spetznik	2007/0094765 A1	5/2007	Summers et al.
3,026,875 A	3/1962	Kaupp	2008/0078208 A1	4/2008	Kronbach
3,036,574 A	5/1962	Nellie	2008/0134409 A1	6/2008	Karasina
D211,231 S	6/1968	Sallysy	2008/0229474 A1	9/2008	Fons et al.
3,454,013 A	7/1969	Cahill	2008/0244805 A1	10/2008	Griffin
D234,649 S	4/1975	Cascio			
D239,475 S	4/1976	Cascio	JP	2007-146337	6/2007
4,916,755 A	4/1990	Feigenbaum et al.	JP	2007-303002	11/2007

FOREIGN PATENT DOCUMENTS

JP	2007-146337	6/2007
JP	2007-303002	11/2007

U.S. Patent

Aug. 31, 2010

Sheet 1 of 6

US D622,477 S

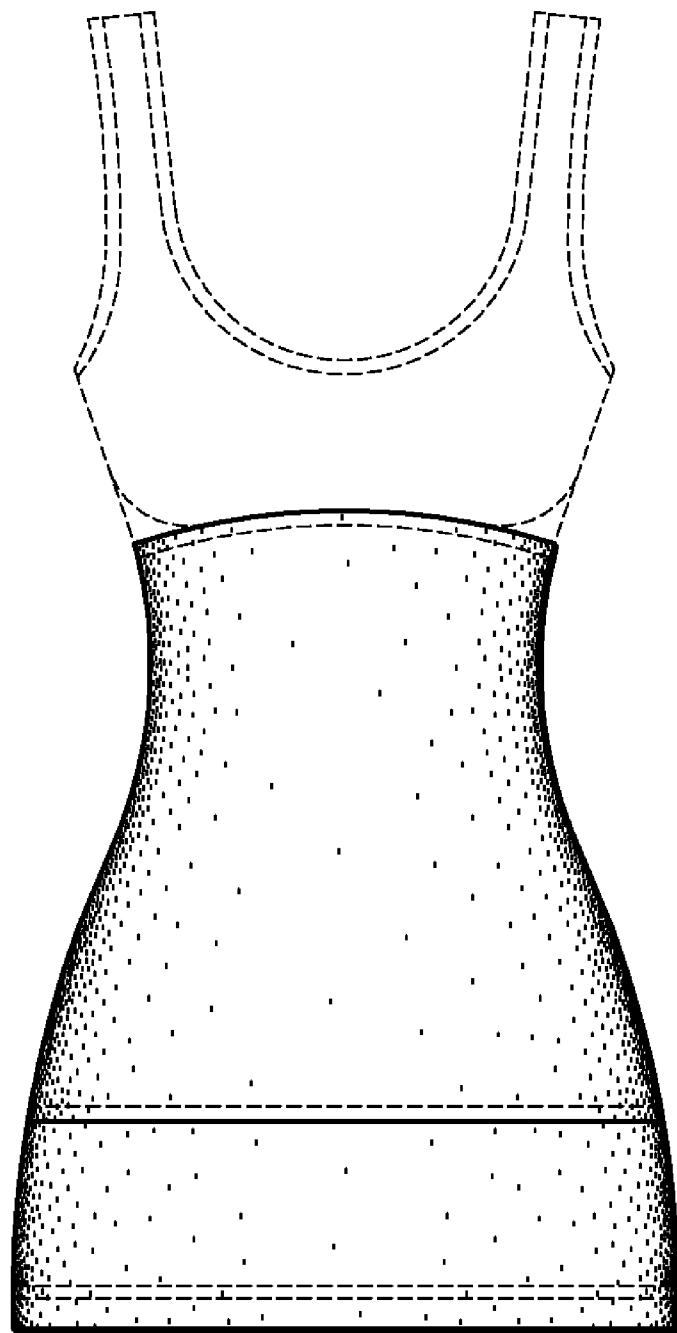


FIG. 1

U.S. Patent

Aug. 31, 2010

Sheet 2 of 6

US D622,477 S

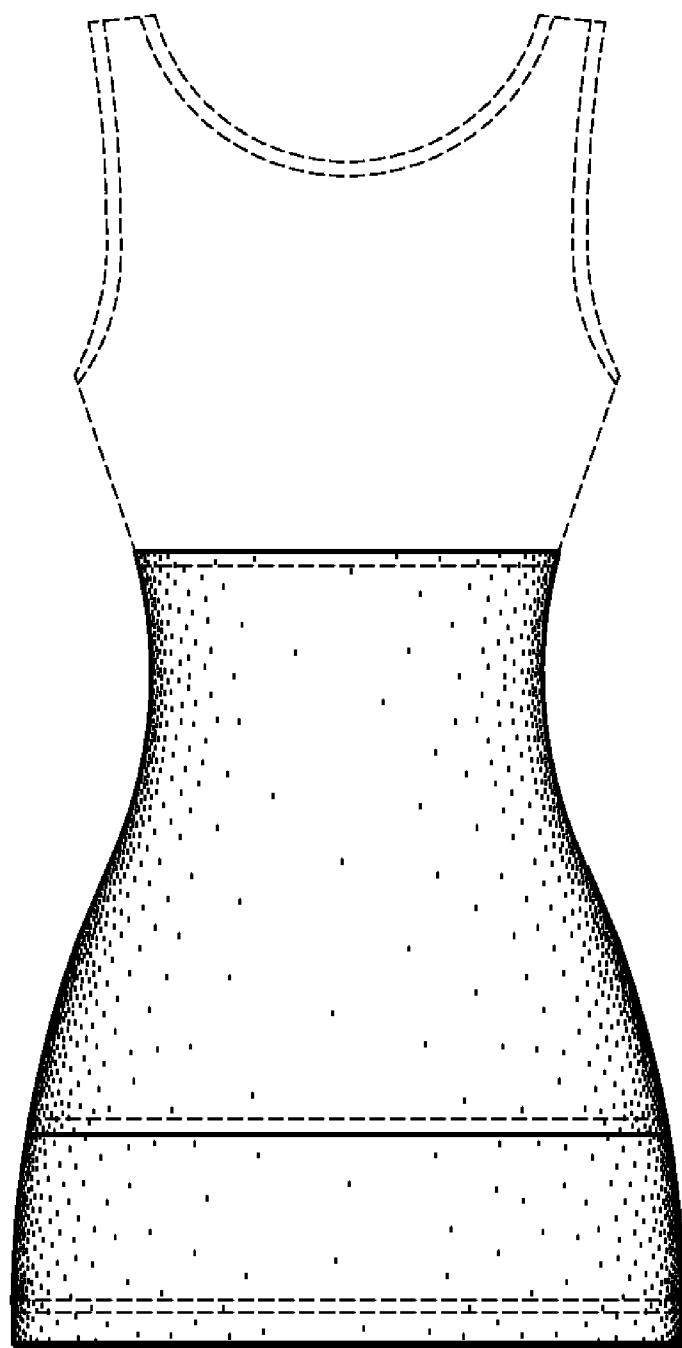


FIG. 2

U.S. Patent

Aug. 31, 2010

Sheet 3 of 6

US D622,477 S

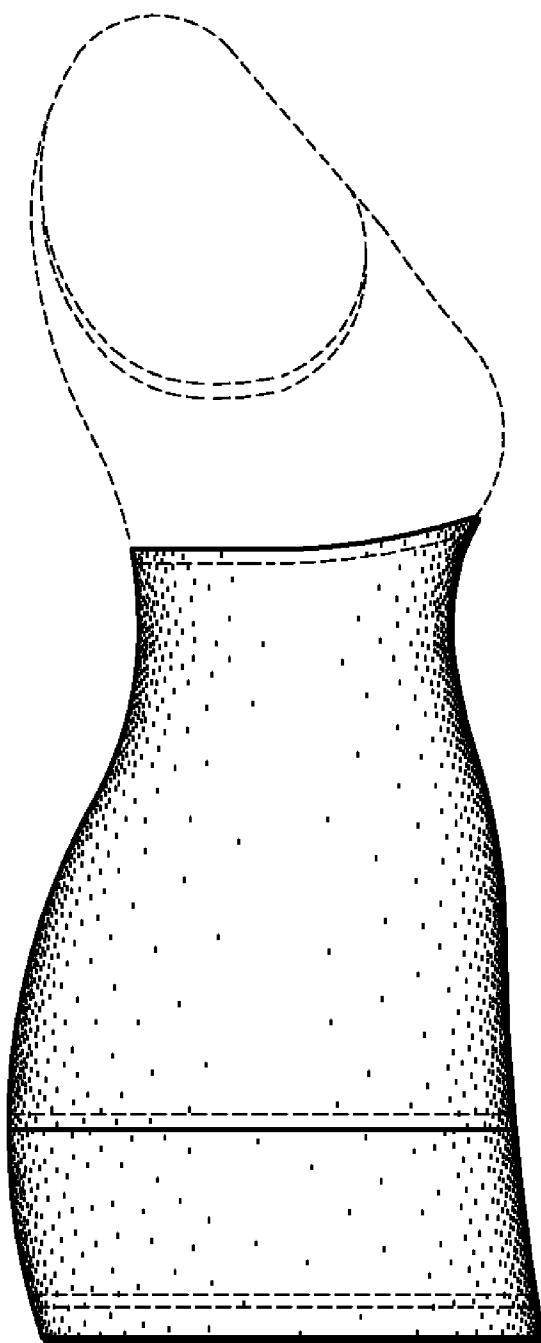


FIG. 3

U.S. Patent

Aug. 31, 2010

Sheet 4 of 6

US D622,477 S

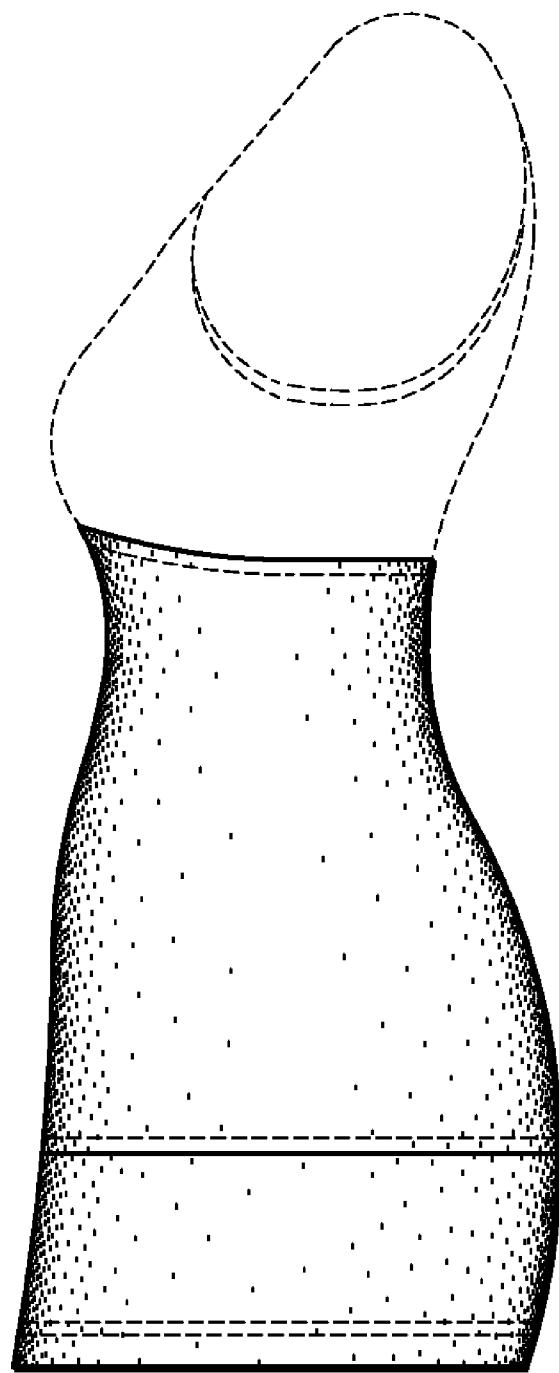


FIG. 4

U.S. Patent

Aug. 31, 2010

Sheet 5 of 6

US D622,477 S

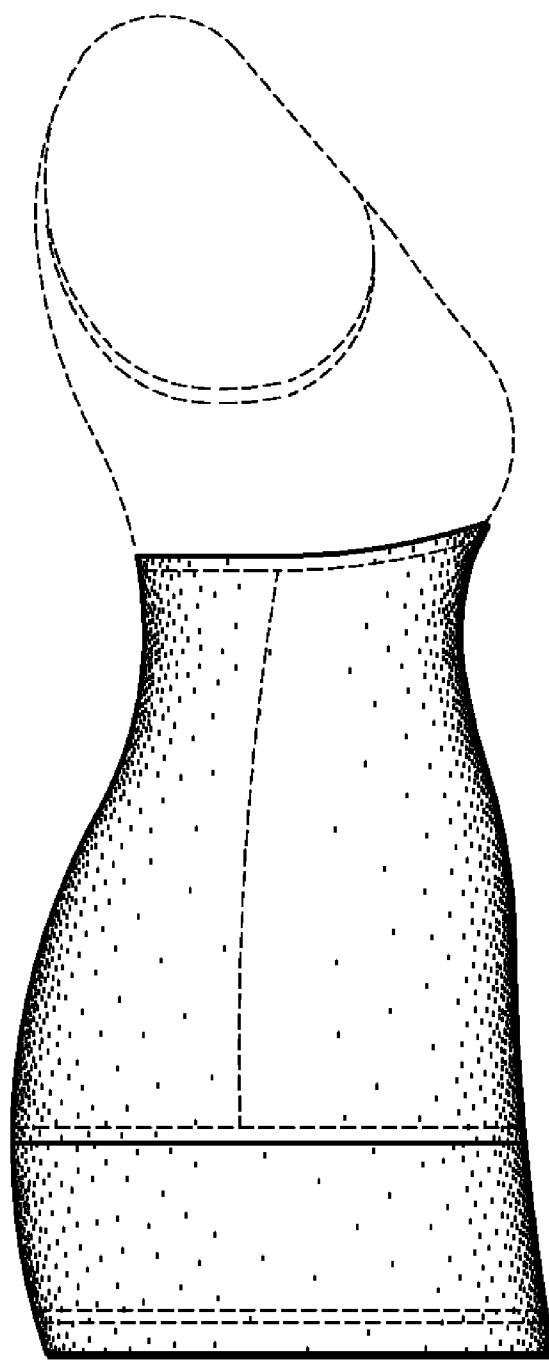


FIG. 5

U.S. Patent

Aug. 31, 2010

Sheet 6 of 6

US D622,477 S

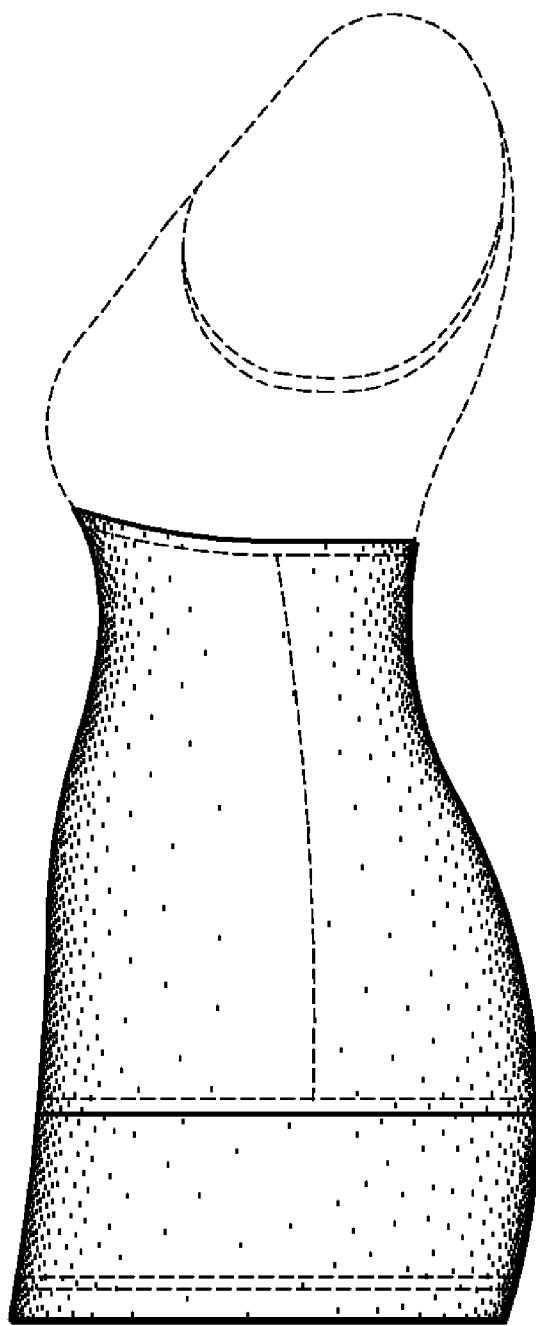


FIG. 6

Exhibit D



US00D623377S

(12) **United States Design Patent** (10) **Patent No.:** **US D623,377 S**
Schindler (45) **Date of Patent:** **** Sep. 14, 2010**

(54) **GARMENT**(75) Inventor: **Heather Thomson Schindler**, New York, NY (US)(73) Assignee: **Times Three Clothier, LLC**, New York, NY (US)(**) Term: **14 Years**(21) Appl. No.: **29/362,414**(22) Filed: **May 25, 2010**2,579,547 A 12/1951 Cadous
D170,694 S 10/1953 Kahn

(Continued)

FOREIGN PATENT DOCUMENTS

JP 2006-316359 11/2006

(Continued)

Primary Examiner—Philip S Hyder
Assistant Examiner—Anna J Burmeister
(74) Attorney, Agent, or Firm—Stroock & Stroock & Lavan LLP

CLAIM

The ornamental design for a garment, as shown and described herein.

DESCRIPTION

FIG. 1 is a front elevation view of Embodiment 1, of a garment;

FIG. 2 is a rear elevation view thereof;

FIG. 3 is a right elevation view thereof;

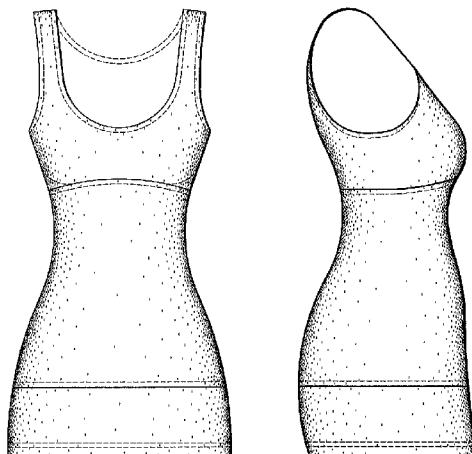
FIG. 4 is a left elevation view thereof;

FIG. 5 is a right side elevation view of Embodiment 2, of a garment, where the front and rear elevation views are the same as FIGS. 1-2; and,

FIG. 6 is a left elevation view of Embodiment 2, of a garment. The phantom and/or broken lines are for illustrative purposes only and form no part of the claimed design. The broken lines depicting the stitching shown in the drawings are for environmental structure only and form no part of the claimed design. The broken lines depicting the human form shown in the drawings are for environmental structure only and form no part of the claimed design.

1 Claim, 6 Drawing Sheets

U.S. PATENT DOCUMENTS		
357,068 A	2/1887	Dalby
570,696 A	11/1896	Brown
1,683,510 A	9/1928	Wiese
1,774,613 A	9/1930	Pidgeon
1,931,822 A	10/1933	Hoffman
1,977,329 A	10/1934	Clarke
2,052,784 A	9/1936	Martin
2,052,935 A	9/1936	Moran
D110,662 S	7/1938	Rielly
D128,536 S	7/1941	Weil
D129,078 S	8/1941	Monteil
D129,894 S	10/1941	Abeles
2,310,103 A	2/1943	McDonald
D152,981 S	3/1949	Kaupp



US D623,377 S

Page 2

U.S. PATENT DOCUMENTS

D174,038 S	2/1955	Goldstein	6,000,993 A	12/1999	Erwin
D174,114 S	3/1955	Dior	D452,600 S	1/2002	Kim
D174,115 S	3/1955	Dior	D453,058 S	1/2002	Kim et al.
D174,194 S	3/1955	Prochaska	D453,255 S	2/2002	Kim et al.
D177,982 S	6/1956	Kahn	6,430,748 B1	8/2002	Burkhart
D181,626 S	12/1957	Cassini	D556,978 S	12/2007	Thunstedt et al.
2,963,022 A	12/1960	Spetalnik	D595,480 S	7/2009	Giugliano
3,026,875 A	3/1962	Kaupp	2007/0094765 A1	5/2007	Summers et al.
3,036,574 A	5/1962	Nellie	2008/0078208 A1	4/2008	Kronbach
D211,231 S	6/1968	Sallysy	2008/0134409 A1	6/2008	Karasina
3,454,013 A	7/1969	Cahill	2008/0229474 A1	9/2008	Fons et al.
D234,649 S	4/1975	Cascio	2008/0244805 A1	10/2008	Griffin
D239,475 S	4/1976	Cascio			
4,916,755 A	4/1990	Feigenbaum et al.	JP	2007-146337	6/2007
5,915,531 A	6/1999	Hilpert et al.	JP	2007-303002	11/2007

FOREIGN PATENT DOCUMENTS

U.S. Patent

Sep. 14, 2010

Sheet 1 of 6

US D623,377 S

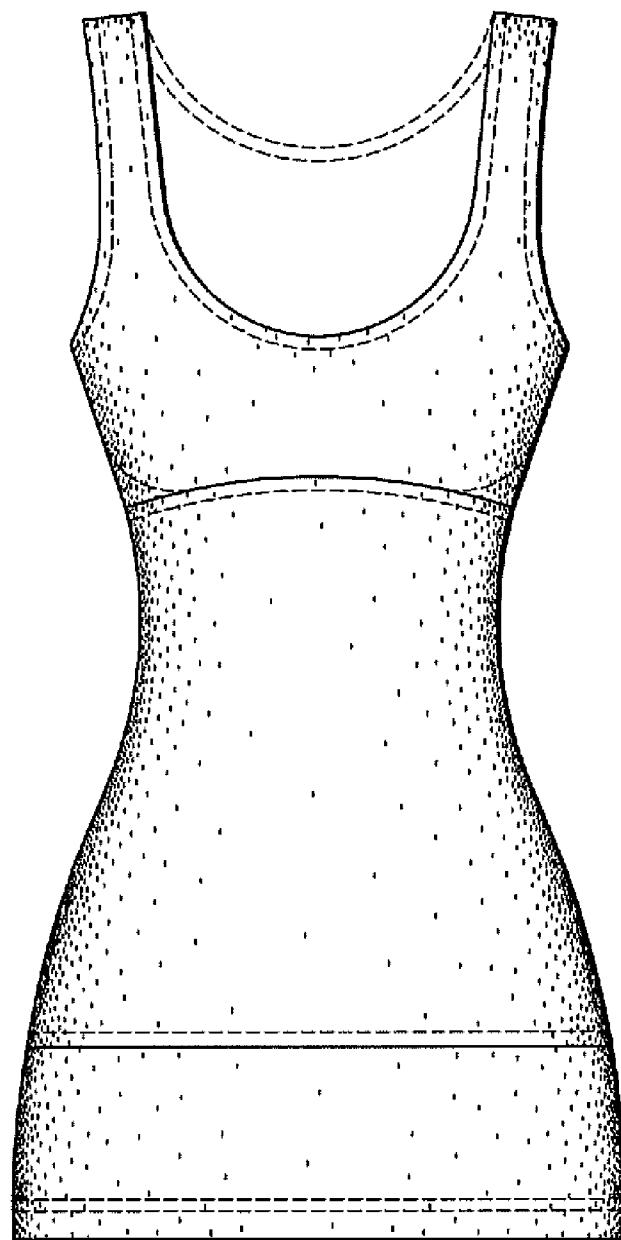


FIG. 1

U.S. Patent

Sep. 14, 2010

Sheet 2 of 6

US D623,377 S

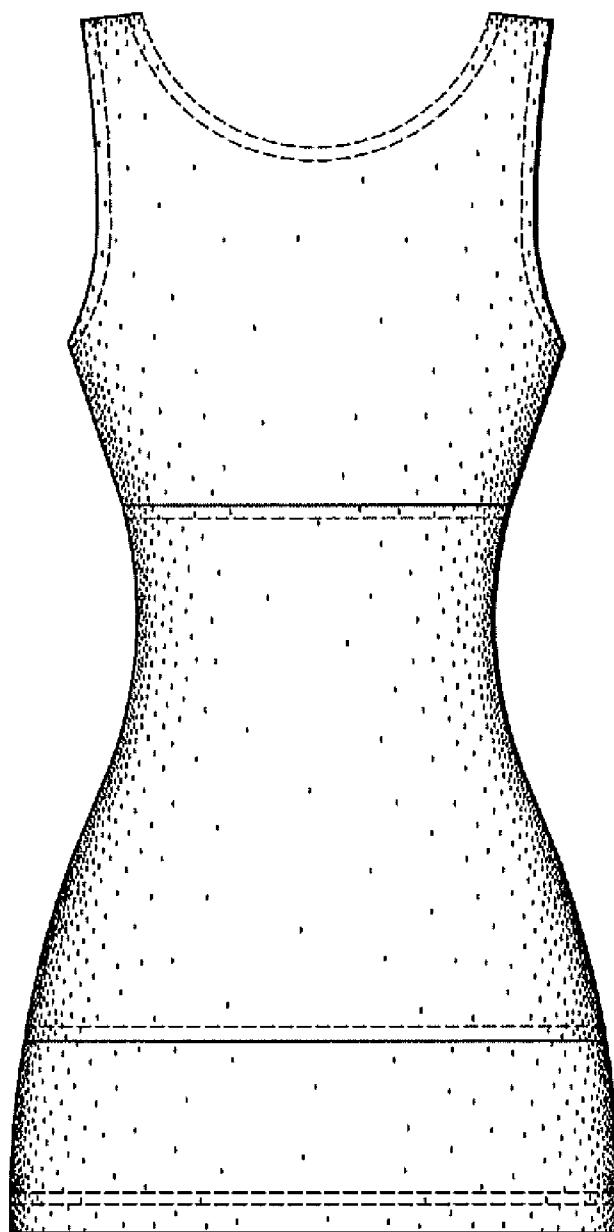


FIG. 2

U.S. Patent

Sep. 14, 2010

Sheet 3 of 6

US D623,377 S

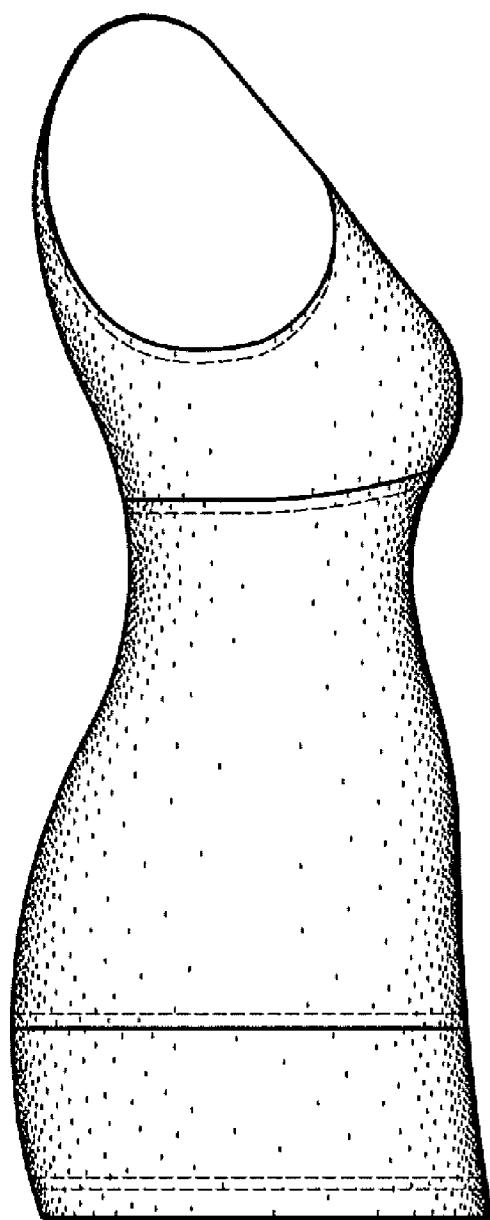


FIG. 3

U.S. Patent

Sep. 14, 2010

Sheet 4 of 6

US D623,377 S

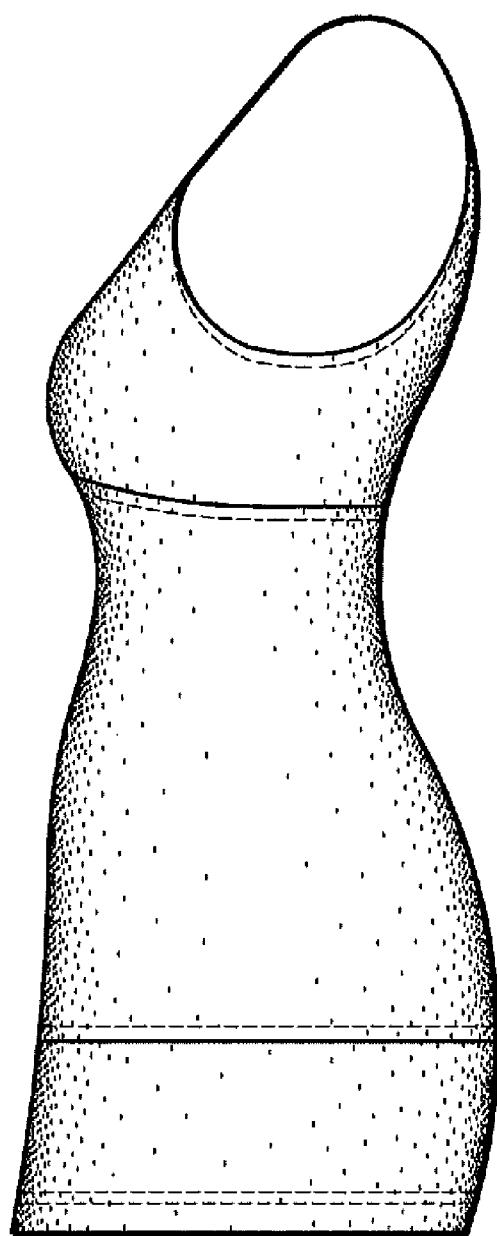


FIG. 4

U.S. Patent

Sep. 14, 2010

Sheet 5 of 6

US D623,377 S

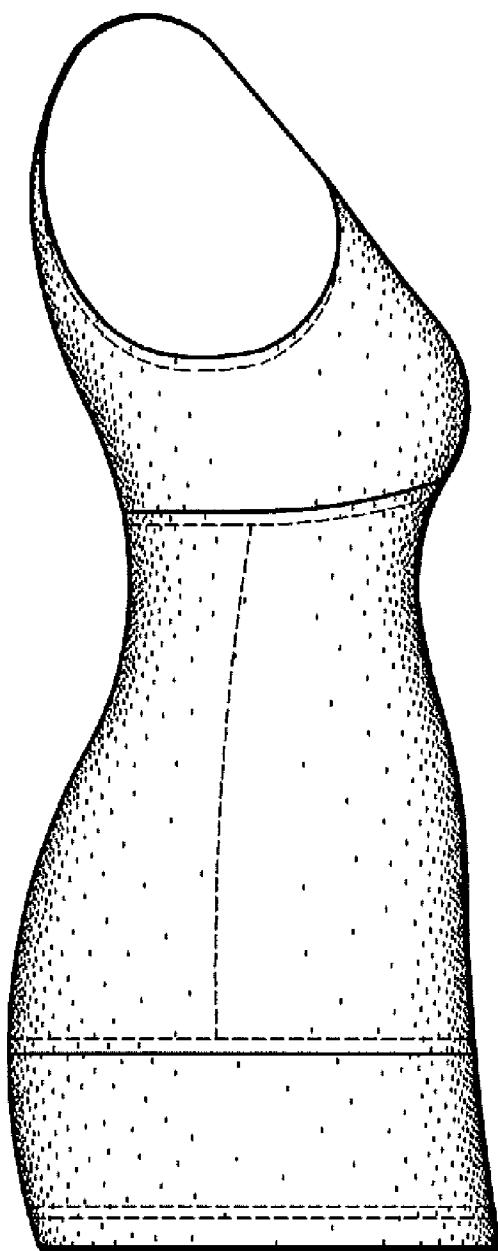


FIG. 5

U.S. Patent

Sep. 14, 2010

Sheet 6 of 6

US D623,377 S

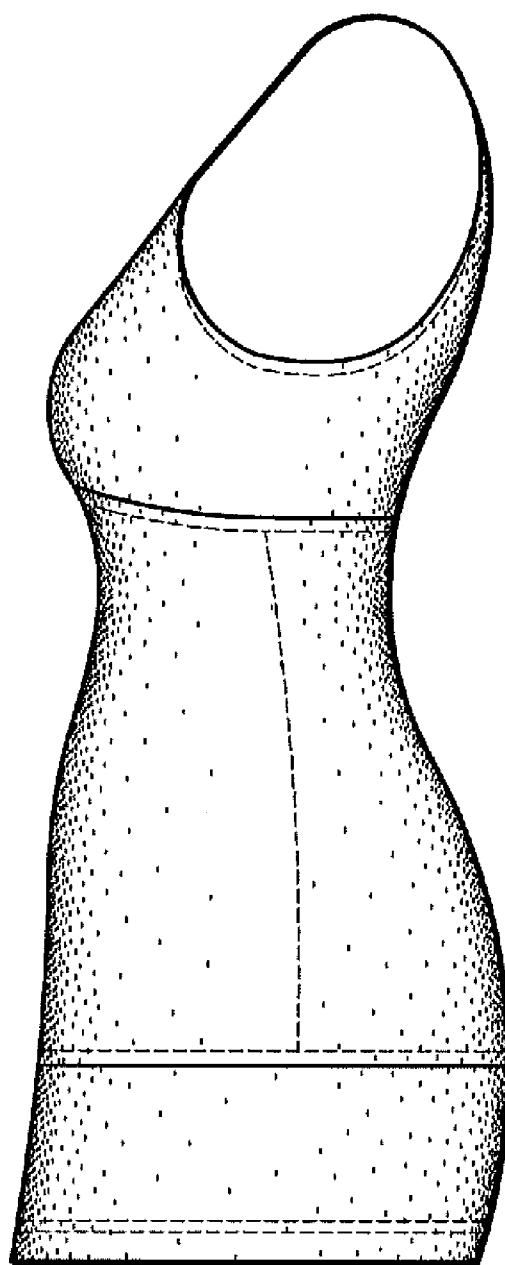


FIG. 6

Exhibit E



US00D665558S

(12) **United States Design Patent** (10) **Patent No.:** **US D665,558 S**
Schindler (45) **Date of Patent:** ** *Aug. 21, 2012

(54) **GARMENT**(75) Inventor: **Heather Thomson Schindler**, New York, NY (US)(73) Assignee: **Times Three Clothier, LLC**, New York, NY (US)

(*) Notice: This patent is subject to a terminal disclaimer.

(**) Term: **14 Years**(21) Appl. No.: **29/350,288**(22) Filed: **Nov. 13, 2009****Related U.S. Application Data**

(60) Division of application No. 29/302,500, filed on Jan. 17, 2008, now Pat. No. Des. 606,285, and a division of application No. 29/350,198, filed on Nov. 12, 2009, which is a continuation of application No. 29/302,500.

(51) **LOC (9) Cl.** **02-01**(52) **U.S. Cl.** **D2/701**(58) **Field of Classification Search** D2/700-703, D2/706, 708, 731, 732, 828, 840, 718, 737, D2/847, 714, 800, 717, 723, 756, 793, 841; 450/96, 94, 115, 116, 122-124, 127, 132, 450/154, 10, 15, 30, 112, 1, 3, 7, 11, 20, 450/31, 34, 63, 64, 86, 95; 2/112, 113, 69, 2/67, 70, 73, 78.1, 78.2, 78.3, 104, 105, 109, 2/110; 66/176

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

26,473 A * 12/1859 Brown 450/95
(Continued)

FOREIGN PATENT DOCUMENTS

DE 8513103.2 5/1985
(Continued)**OTHER PUBLICATIONS**Left-hand image on Contents page, "Self" magazine, Jan. 2006 issue.
(2 pages).*

(Continued)

Primary Examiner — Karen E. Eldridge Powers(74) *Attorney, Agent, or Firm* — Stroock & Stroock & Lavan LLP(57) **CLAIM**

The ornamental design for a garment, as shown and described herein.

DESCRIPTION

This application is related to co-pending U.S. Design Application 29/350,290, filed on Nov. 13, 2009, the contents of which are hereby incorporated by reference.

FIG. 1 is a front elevation view of Embodiment 1, of a garment;

FIG. 2 is a rear elevation view thereof;

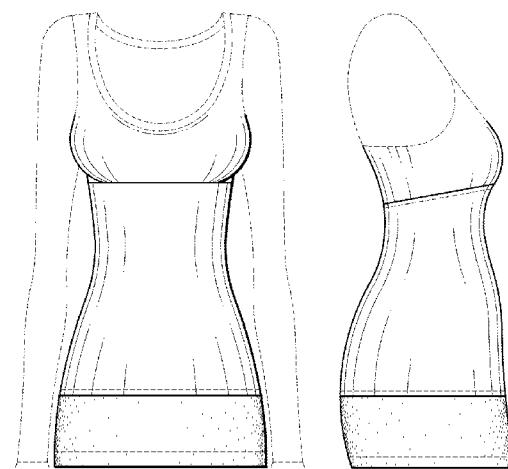
FIG. 3 is a right elevation view thereof;

FIG. 4 is a left elevation view thereof;

FIG. 5 is a right side elevation view of Embodiment 2, of a garment, where the front and rear elevation views are the same as FIGS. 1-2; and,

FIG. 6 is a left elevation view of Embodiment 2, of a garment. The sleeves are not shown in FIGS. 3-6 for ease of illustration. The center section and lower section of the claimed design is shaded to illustrate a different appearance. The dashed broken lines shown in the drawings illustrate environmental features that form no part of the claimed design. The dash-dot-dot-dash broken lines shown at the junction of the bodice with the sleeve and the interior of the bodice represent the bounds of the design and form no part of the claimed design.

The broken lines shown in the drawings are for environmental structure only and form no part of the claimed design.

1 Claim, 6 Drawing Sheets

US D665,558 S

Page 2

U.S. PATENT DOCUMENTS

240,569 A *	4/1881	Appleton	66/176
357,068 A *	2/1887	Dably	66/176
432,442 A *	7/1890	Sanford	2/113
445,945 A *	2/1891	Bohne	66/176
570,696 A *	11/1896	Brown	66/176
672,028 A *	4/1901	Appleton	66/176
839,699 A *	12/1906	Anderson	2/67
933,739 A *	9/1909	Bodeniek	450/7
1,007,047 A *	10/1911	Albers et al.	2/109
1,088,371 A *	2/1914	Rossiter	450/94
1,110,749 A	9/1914	De Bleux	
1,121,005 A	12/1914	Farnsworth	
1,191,865 A	7/1916	Workman	
1,249,446 A	12/1917	Mell	
1,323,748 A *	12/1919	Gitenstein	2/78.3
1,342,188 A *	6/1920	Jacob	2/78.1
1,587,099 A *	6/1926	Williams	2/78.2
1,683,510 A *	9/1928	Carl	450/20
1,770,615 A *	7/1930	Herlich	2/67
1,774,613 A *	9/1930	Pidgeon	450/20
1,777,215 A	9/1930	McGill	
1,813,043 A	7/1931	Foreman	
1,828,310 A *	10/1931	Bergl	2/67
1,886,049 A	11/1932	Rothblum	
1,894,062 A *	1/1933	Schrank	2/73
1,897,619 A *	2/1933	Powell	2/67
1,899,022 A *	2/1933	Duisdikeker	2/67
D91,329 S	5/1933	Redman	
1,931,822 A *	10/1933	Hoffman	450/95
1,953,797 A *	4/1934	Daniel	2/67
1,977,329 A *	10/1934	Tobin	2/113
RE19,380 E *	11/1934	Craig	2/78.2
2,000,073 A *	5/1935	Goas	66/176
2,033,456 A	3/1936	Cunningham	
2,035,377 A *	3/1936	Redmond	2/111
2,040,058 A *	5/1936	Craig	66/176
2,040,561 A *	5/1936	Ernst	450/34
2,052,784 A *	9/1936	Charles	66/176
2,052,935 A *	9/1936	Moran	450/10
2,076,748 A	4/1937	Schweig	
2,097,777 A	11/1937	Rothman	
2,098,881 A *	11/1937	Robbins	450/27
2,098,882 A *	11/1937	Robbins	450/27
D110,662 S	7/1938	Rielly	D2/714
2,190,030 A	2/1940	Kops	
D128,536 S *	7/1941	Weil	D2/702
D129,078 S *	8/1941	Monteil	D2/800
D129,894 S *	10/1941	Abeles	D2/703
2,274,382 A	2/1942	Richman	
2,310,103 A *	2/1943	McDonald	2/113
2,335,751 A	11/1943	Friedman	
2,579,547 A *	12/1951	Cadous	450/112
D170,694 S *	10/1953	Kahn	D2/702
D174,038 S *	2/1955	Goldstein	D2/702
D174,114 S *	3/1955	Dior	D2/702
D174,115 S *	3/1955	Dior	D2/703
D174,194 S *	3/1955	Prochaska	D2/702
D174,329 S *	3/1955	Katz	D2/700
2,723,396 A *	11/1955	Stack	450/58
D177,982 S *	6/1956	Kahn	D2/702
D181,626 S *	12/1957	Cassini	D2/800
2,963,022 A *	12/1960	Spetnalik	450/15
D191,347 S	9/1961	Herman	
3,026,875 A *	3/1962	Kaupp	450/116
3,036,574 A *	5/1962	Jeffrey	450/30
3,060,446 A	10/1962	Horne	
3,066,675 A	12/1962	Herman	
3,217,713 A	4/1964	Kunel	
D211,231 S *	6/1968	Sallasky	D2/702
3,421,513 A	1/1969	Landau	
3,422,818 A	1/1969	Erteszek	
3,454,013 A *	7/1969	Cahill	450/116
3,479,844 A	11/1969	Silvain	
3,556,106 A	1/1971	Rosner	
3,582,993 A	6/1971	Keller	
3,683,910 A *	8/1972	McKenna	602/68
D224,700 S *	9/1972	Bienefeld	D2/700
3,699,590 A	10/1972	Webber et al.	

D234,649 S *	4/1975	Casclo	D2/703
D239,475 S *	4/1976	Casclo	D2/702
3,949,426 A	4/1976	George	
4,377,007 A	3/1983	Sudjian	
4,916,755 A *	4/1990	Feigenbaum et al.	2/67
4,976,653 A	12/1990	White	
5,083,316 A	1/1992	Kuehner	
5,094,648 A	3/1992	Turner	
5,461,725 A	10/1995	Witzczak	
5,566,392 A	10/1996	Dzelzkalns	
5,605,060 A	2/1997	Osborne	
D391,740 S	3/1998	Barrington et al.	
5,915,531 A *	6/1999	Hilpert et al.	2/69
6,000,993 A *	12/1999	Erwin	450/7
6,061,832 A	5/2000	Morrison	
6,185,741 B1	2/2001	Kehoe	
6,282,720 B1 *	9/2001	Mayer	2/113
D452,600 S *	1/2002	Kim	D2/702
D453,058 S *	1/2002	Kim	D2/703
D453,255 S *	2/2002	Kim	D2/702
6,430,748 B1 *	8/2002	Burkhart	2/78.1
D476,464 S	7/2003	Jenkins	
6,846,217 B1	1/2005	Struble et al.	
D556,978 S *	12/2007	Thunstedt	D2/847
7,395,557 B1	7/2008	Ledyard	
D595,480 S *	7/2009	Giugliano	D2/702
7,905,117 B2 *	3/2011	Kronback	66/176
2006/0242748 A1	11/2006	Martz	
2007/0094765 A1 *	5/2007	Summers et al.	2/113
2008/0134409 A1 *	6/2008	Karasina	2/117
2008/0229474 A1 *	9/2008	Fons et al.	2/113
2008/0244805 A1 *	10/2008	Griffin	2/74

FOREIGN PATENT DOCUMENTS

DE	202005000716 U1	4/2005
EP	0174179	3/1986
EP	0774241	5/1997
EP	1082951	3/2001
EP	1125566	8/2001
EP	000385562-0106	7/2005
EP	000454202-0027	12/2005
EP	000454202-0121	12/2005
EP	000633755-0027	12/2006
EP	000730403-0023	5/2007
GB	116526	6/1918
GB	212307	3/1924
GB	1603600	11/1981
GB	3020687	7/2005
GB	4004524	10/2007
JP	2-82707	6/1990
JP	2001-172806	6/2001
JP	2002-138302	5/2002
JP	2003-129303 A	5/2003
JP	2005-281893 A	10/2005
JP	2006-316359 *	11/2006
JP	2006-316359 A	11/2006
JP	2007-146337 *	6/2007
JP	2007-146337 A	6/2007
JP	2007-303002 *	11/2007
JP	2008-156812 A	7/2008
WO	96/08217	3/1996
WO	01/75201	10/2001

OTHER PUBLICATIONS

Cover and ad page picturing Serena Williams, "Lucky" magazine, Oct. 2003. (2 pages).*

Mila Kunis Magazine Cover, [on-line]; [downloaded from the Internet on May 5, 2012]; [cover identified is for Oct. 2003 issue]; URL: <http://www.whosdatedwho.com/tx_1783/mila-kunis-magazinecovers_13>. (4 pages).*

Yummie Tummie and Maidenform Settle Patent Infringement and Invalidity Lawsuits, Fox News 44, PR Newswire (2011). <http://www.fox44now.com/story/15242333/yummie-tummie-and-maidenform-settle-patent-infringement-and-invalidity-lawsuits?clienttype=printable>—printed Aug. 12, 2011.

Maidenform Brands, Inc. Reports Second Quarter 2011 Results and Provides Guidance for Full Year 2011, News Releases—General News, Iselin, NJ—PRNewswire via COMTEX/ Aug. 10, 2011.

US D665,558 S

Page 3

Associated Press, "Maidenform 2Q net income drops on settlement," Forbes.com (Aug. 10, 2011). http://www.forbes.com/feeds/ap/2011/08/10/business-specialized-consumer-services-us-earns-maidenform_8611962.html?partner=email—printed Aug. 12, 2011.

Maidenform's Responses and Objections to TTC's First Set of Request for Production of Documents (Nos. 1-144)—Aug. 24, 2010.

Maidenform's Second Set of Requests for the Production of Documents and Things (Nos. 78-123)—Sep. 3, 2010.

Maidenform's Second Set of Interrogatories (Nos. 16-17)—Sep. 3, 2010.

Maidenform's First Supplemental Responses and Objections to TTC's First Set of Interrogatories—Sep. 10, 2010.

TTC's Responses to Maidenform's Second Set of Requests for Production (Nos. 78-123)—Oct. 12, 2010.

TTC's Written Responses to Maidenform's Second Set of Interrogatories (Nos. 16-17). San Francisco Chronicle article—MF0001240-1242. Women's Wear Daily article—MF0001087-1088. Oct. 12, 2010.

Maidenform's Responses and Objections to TTC's Supplemental First Set of Interrogatories (Nos. 1A-18A)—Nov. 2010.

Donner's Objections to Maidenform's Request for Production of Documents Included in the Subpoena to I. Donner—Feb. 22, 2011.

1A—Nike Fly Lightweight + Women's Sports Top, Nike, <http://clothing-and-accessories.become.com/nike-fly-lightweight-womens-sports-top-com> . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

2A—Pretty Shapewear Camisole, SassyBax, www.sassybax.com/pretty-camisole.php received by Applicant Aug. 24, 2010.

3A—Underwire Torso Trim, SassyBax, www.sassybax.com/underwire-trim.php received by Applicant Aug. 24, 2010.

4A—The Torso Trim, SassyBax, www.sassybax.com/torso_trim.php received by Applicant Aug. 24, 2010.

5A—Belly Bra, JCPenney, www.jcpenney.com/jcp/X6.aspx?DeptID=51669&CatID=51669&Grtpy=Siz&Item . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

6A—Secret Sculptor Tunic, Shape Fx, www.shapefx.com/store/Shapewear_Shop_by_Category_Camis_Tanks_Se . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

7A—The Skinny, www.skinnycami.biz/files/ received by Applicant Aug. 24, 2010.

8A—Simplicity Lingerie Strap Camisole, Spanx, www.spanx.com/product/index.jsp?productId=3977353&cp=2992553.4015964&par . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

9A—Hide & Sleek Cami, Spanx, <http://web.archive.org/...URL> is incomplete) received by Applicant Aug. 24, 2010.

10A—Hide & Sleek Full Slip 18 Inch 060A, Spanx, www.herroom.com/Spanx-060A-Hide-Sleek-Full-Slip-18-Inch.shtml received by Applicant Aug. 24, 2010.

11A—Teez-Her The Skinny Tank, Teez-Her, www.essentialapparel.com/index.cfm/a/catalog/prodshow/vid/72638/catid/267/Teez . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

12A—Cami-Rolls, <http://camirolls.com/shop.shtml> received by Applicant Aug. 24, 2010.

13A—TummyTee, www.redefyne.com/tummytee.html received by Applicant Aug. 24, 2010.

14A—Champion Seamless Empire Top with Built-In Sports Bra, Champion, www.championusa.com/Champion/Products/Women-Champion/Women_ShopByCa . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

15A—Cosabella Smooth Bodyshaper Cami SHPE702, CosaBella, www.herroom.com/Cosabella-Shpe702-Smooth-Bodyshaper-Cami.shtml received by Applicant Aug. 24, 2010.

16A—Daisy Fuentes Slimming Camisole, Kohls, www.kohls.com/upgrade/webstore/product_page.jsp?Product%3C%3Eprd_id=8 received by Applicant Aug. 24, 2010.

17A—582L Countouring Balconet Bra Cami-Long Torso, Dumi Shapewear, www.du-mi.com/store/product-info.php?pid12.html received by Applicant Aug. 24, 2010.

18A—Very Precious, Great Glam, <http://greatglam.com/pd-very-precious.cfm> received by Applicant Aug. 24, 2010.

19A—Sensual Charm, Great Glam, <http://greatglam.com/pd-sensual-charm1.cfm> received by Applicant Aug. 24, 2010.

20A—Yalof Schwartz, Suze, "Too Busy for the Gym?" Glamour, www.glamour.com/fashion/blogs/slaves-to-fashion/2007/10/too-bus . . . (URL is incomplete) received by Applicant Aug. 24, 2010. Page shown present on Internet approximately Oct. 2007.

21A—Underwire Torso Trim, Sassybax, <http://webarchive.org/web/20071020033219/sassybax.com> received by Applicant Aug. 24, 2010. Page shown present on Internet on Oct. 20, 2007.

22A—Nancy Ganz The Belly Band Convertible Bodybriefer 3313, Nancy Ganz, www.herroom.com/NancyGanz . . . (URL is incomplete) received by Applicant Aug. 24, 2010. Page shown present on Internet on Nov. 25, 2007.

23A—Spanx Hide & Sleek Full Slip 060A, Spanx, www.herroom.com/Spanx-Hide . . . (URL is incomplete) received by Applicant Aug. 24, 2010. Page shown on Internet on Nov. 1, 2007.

24A—Spanx Hide & Sleek Cami 050, Spanx, www.herroom.com/Spanx . . . (URL is incomplete) received by Applicant Aug. 24, 2010. Page shown present on Internet on Oct. 30, 2007.

25Aa, 25Ab, 25Ac—Collection of Photographs received by Applicant on Dec. 8, 2010 received by Applicant Aug. 24, 2010.

26A—Alleged Ann Mason Receipt; Nov. 26, 2006.

27Aa, 27Ab—Declaration of Ann Mason; May 19, 2007.

28A—Yummie Tummie and Maidenform Settle Patent Infringement and Invalidity Lawsuits, Fox News 44, PR Newswire (2011). <http://www.fox44now.com/story/15242333/yummie-tummie-and-maidenform-settle-patent-infringement-and-invalidity-lawsuits?clienttype=printable>—printed Aug. 12, 2011.

29A—Maidenform Brands, Inc. Reports Second Quarter 2011 Results and Provides Guidance for Full Year 2011, News Releases—General News, Iselin, NJ—/PRNewswire via COMTEX/ Aug. 10, 2011.

30A—Associated Press, "Maidenform 2Q net income drops on settlement," Yahoo News (Aug. 10, 2011). <http://news.yahoo.com/maidenform-2q-net-income-drops-settlement-125621767.html>—printed Apr. 20, 2012.

1—Email from Christine Conforte to Heather Schindler "FW: Tummy Tee," sent Dec. 1, 2006.

2—Email from Christine Conforte to Heather Schindler "Liz Lange," sent Dec. 13, 2006.

3—Email from Heather Schindler to Chistine Conforte "Liz Lange," sent Dec. 13, 2006.

4—Email from Christine Conforte "Liz Lange," sent Dec. 11, 2006.

5—Email from Heather Schindler to Christine Conforte "Liz Lange," sent Dec. 9, 2006.

6—Email from Christine Conforte to Heather Schindler "Liz Lange," sent Dec. 7, 2006.

7—Email from Heather Schindler to Christine Conforte "Liz Lange," sent Dec. 7, 2006.

8—Email from Christine Conforte to Heather Schindler, "Liz Lange," sent Dec. 6, 2006.

9—Email from Heather Schindler to Liz Lange copying Michelle Mooring and Christine Conforte, "Follow Up," sent Jan. 24, 2007.

10—Email from Liz Lange to Heather Schindler copying Christine Conforte and Michelle Mooring, "Follow Up," sent Jan. 23, 2007.

11—Email from Heather Schindler to Liz Lange copying Christine Conforte and Michelle Mooring, "Follow Up," sent Jan. 23, 2007.

12—Email from Liz Lange to Heather Schindler copying Christine Conforte "Follow Up," sent Jan. 19, 2007.

13—Email from Heather Schindler to Christine Conforte copying Michelle Mooring "FW: TummyTube," sent Jan. 31, 2007.

14—Email from Christine Conforte to Heather Schindler copying Liz Lange "Tummy Tube," sent Jan. 30, 2011.

15—Email from Heather Schindler to Liz Lange copying Michelle Mooring and Christine Conforte "TummyTube," sent Feb. 6, 2007.

16—Email from Liz Lange to Heather Schindler and Christine Conforte "TummyTube," sent Feb. 2, 2007.

17—Email from Heather Schindler to Christine Conforte copying Liz Lange "TummyTube," sent Feb. 2, 2007.

18—Email from Christine Conforte to Heather Schindler copying Liz Lange "TummyTube," sent Jan. 30, 2007.

19—"Style Spy," Lucky Magazine, p. 26, Jan. 2002 issue.

20—LeCove swimwear catalog, p. 26 received by Applicant Aug. 24, 2010.

US D665,558 S

Page 4

-
- 21—JC Penney maternity catalog, p. 165 received by Applicant Aug. 24, 2010.
- 22—WWD Intimates catalog, cover received by Applicant Aug. 24, 2010.
- 23—"Fashion Q & A," Shape Magazine, p. 68. Jan. 2008 issue.
- 24—Vogue Magazine, vol. 15, cover received by Applicant Aug. 24, 2010.
- 25—"Self Selects," Self Magazine, p. 162. Jun. 2000 issue.
- 26—"Do good while you shop," Lucky Magazine, p. 286. Oct. 2006 issue.
- 27—"Photo Finish," WWD Intimates catalog. 2006.
- 28—"Shapewear Report," In Style Magazine, pp. 338-346. Sep. 2007 issue.
- 29—Self Magazine advertisements. Jun. 2007 issue.
- 30—Self Magazine, p. 33. Dec. 2007 issue.
- 31—"My best stress bust is . . .," Self Magazine, p. 200. Apr. 2002 issue.
- 32—Times Three Clothier, LLC Sales Order No. 1000, Sales Order Date Apr. 30, 2007.
- 33—Email from Ivan A. Saperstein to Heather Schindler copying Michelle Mooring and J. Schindler "Gatsby's" sent Jul. 20, 2007.
- 34—Email from Heather Schindler to Ivan A. Saperstein copying Michelle Mooring and J. Schindler "Gatsby's" Jul. 20, 2007.
- 35—Email from Ivan A. Saperstein to Michelle Mooring, Heather Schindler and J. Schindler "Gatsby's" Jul. 20, 2007.
- 36—Invoice billed and shipped to Seams Beautiful-Carolyn Weaver, Invoice # 00006138, Aug. 11, 2006.
- 37—Invoice billed and shipped to Seams Beautiful-Carolyn Weaver, Invoice # 00006155, Aug. 25, 2006.
- 38—Packing Slip to Seams Beautiful, Aug. 25, 2006.
- 39a, 39b, 39c, 39d, 39e, 39f, 39g, 39h, 39i—*Maidenform v. Times Three Clothier LLC d/b/a Yummie Tummie*, Case No. 10-cv-1661 (GBD)—Skinny Cami Declarations pp. 1-118 (submitted in 9 parts) received by Applicant Dec. 14, 2010.
- 40—Applicant's Specifications. pp.1-3 (submitted in 1 part) dated May 24, 2007-Jun. 11, 2007.
- 41—Maidenform's Initial Disclosures—Jul. 9, 2010. pp. 1-13 (submitted in 1 part).
- 42—Maidenform's Responses and Objections to TTCC's First Set of Interrogatories (Nos. 1-18)—Aug. 24, 2010. pp. 1-12 (submitted in 1 part).
- 43—Skinny Camisole Slimmer Corset Shaper Girdle, http://co103w.co1103.mail.live.com/mail/RteTrame_15.1.3059.0405.html?pf=pf (URL is incomplete). Pages 1-3 (submitted in 1 part) received by Applicant Aug. 24, 2010.
- 44a, 44b, 44c—Applicant's Tummy Tees. pp. 1-3 (submitted in 3 parts). 6Ba is Applicant's Tummy Tee early prototype sewn in Feb./Mar. 2005. 6Bb and 6Bc are photos of Applicant's production sample first received May 30, 2007.
- 45—Gazelle Sleeveless Long Shirt, Adidas, www.shopadidas.com/product/index.jsp?productID=3847890&v2=y&cp=3748175.3... (URL is incomplete) received by Applicant Aug. 24, 2010.
- 46—Super Soft Slimmer Tank, MyShape, www.myshape.com/shop/style/11906?ci_sku=11906&utm_source... (URL is incomplete) received by Applicant Aug. 24, 2010.
- 47—Ann Michell Spaghetti Strap Tank Top Style 982, Lauren Silva, www.laurensilva.com/Ann_Michell_Spaghetti_Strap_Cami-Sole_Control_Shirt_p/an... (URL is incomplete) received by Applicant Aug. 24, 2010.
- 48—New Marilyn Monroe Smoothing Camisole 7762, ebay, [www.cgi.ebay.com/New-Marilyn-Monroe-Smoothing-Camisole-7762-28...](http://cgi.ebay.com/New-Marilyn-Monroe-Smoothing-Camisole-7762-28...) (URL is incomplete) received by Applicant Aug. 24, 2010.
- 49—Nancy Ganz The Belly Band Convertible Bodybriefer 3313, Her Room, www.herroom.com/Nancy-Ganz-3313-The-Belly-Band-Convertible-Bodybriefer.sht... (URL is incomplete) received by Applicant Aug. 24, 2010.
- 50—Nike Seamless Airborne Women's Long Tank Top, Nike, http://store.nike.com/us/en_us/?I=shop,pdp,ctr-inline,cid-1,pid-282277/pgid-238467 received by Applicant Aug. 24, 2010.

* cited by examiner

U.S. Patent

Aug. 21, 2012

Sheet 1 of 6

US D665,558 S

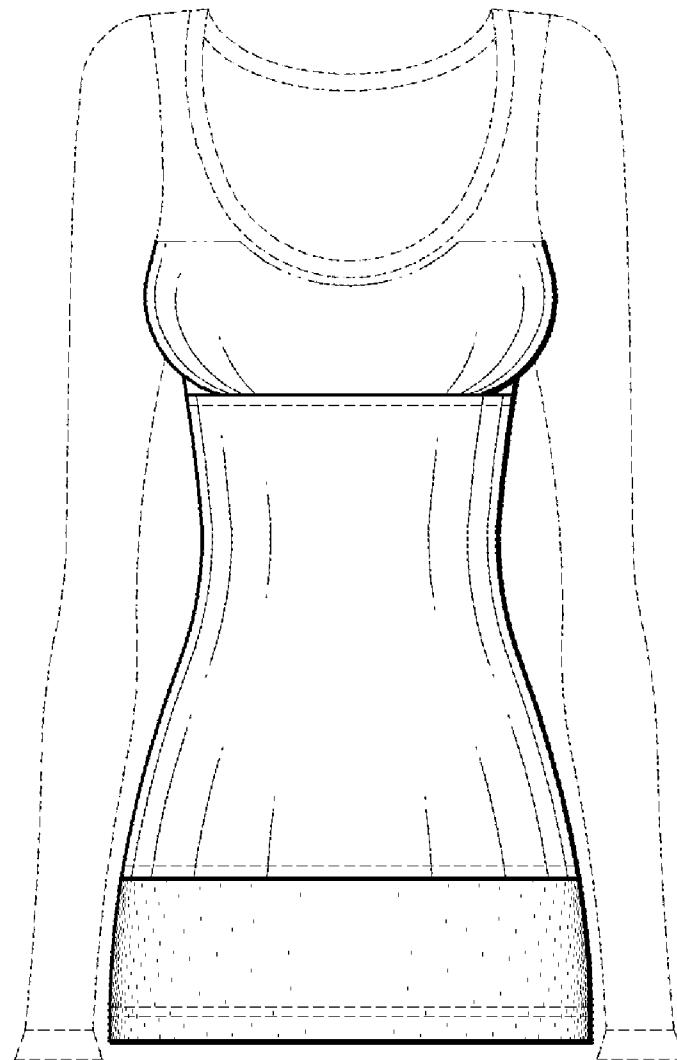


FIG. 1

U.S. Patent

Aug. 21, 2012

Sheet 2 of 6

US D665,558 S

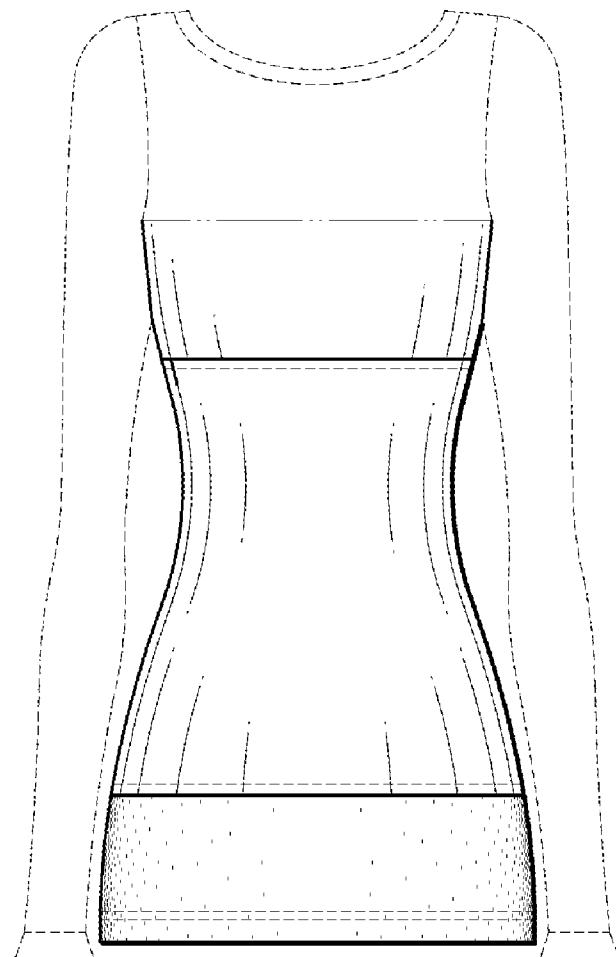


FIG. 2

U.S. Patent

Aug. 21, 2012

Sheet 3 of 6

US D665,558 S

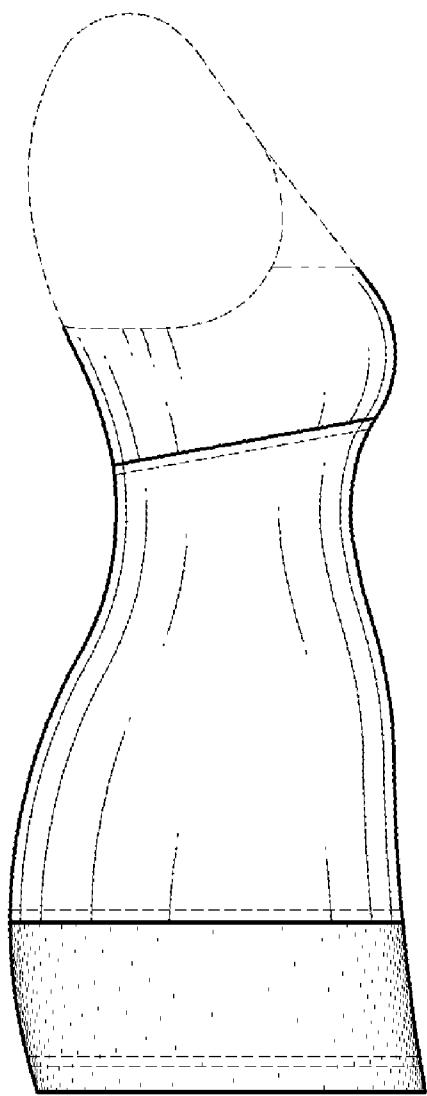


FIG. 3

U.S. Patent

Aug. 21, 2012

Sheet 4 of 6

US D665,558 S

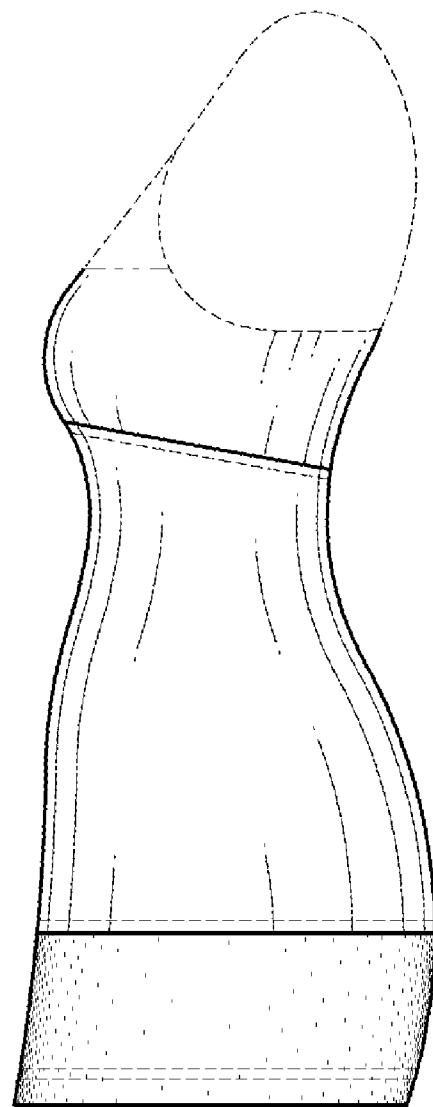


FIG. 4

U.S. Patent

Aug. 21, 2012

Sheet 5 of 6

US D665,558 S

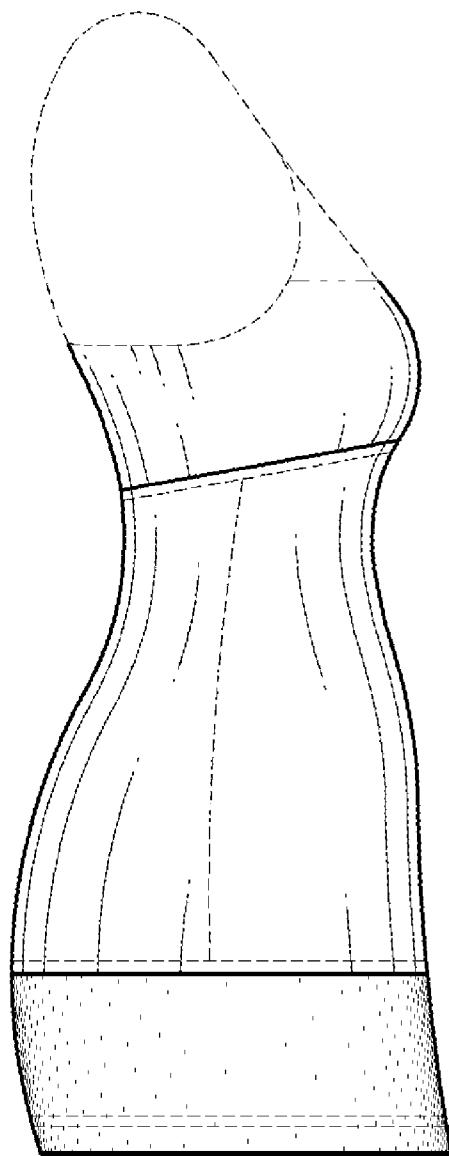


FIG. 5

U.S. Patent

Aug. 21, 2012

Sheet 6 of 6

US D665,558 S

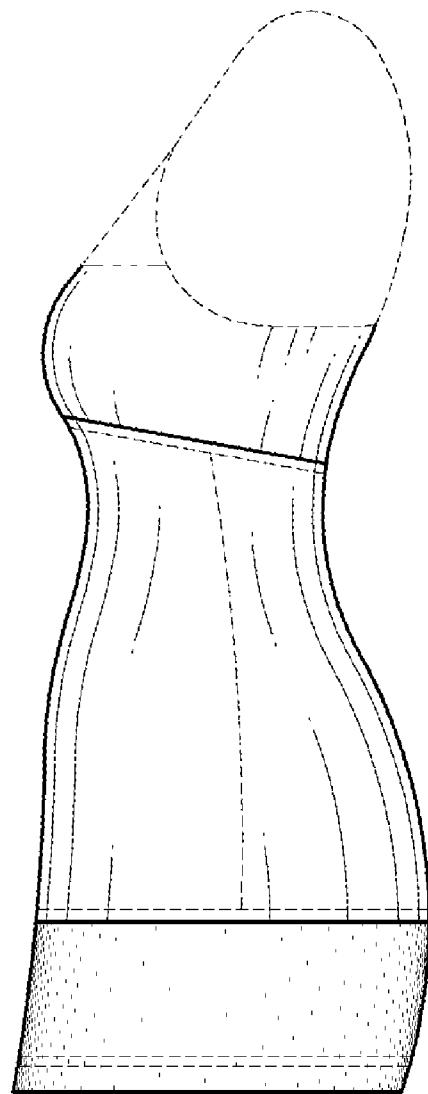


FIG. 6

Exhibit F



US00D666384S

(12) **United States Design Patent** (10) **Patent No.:** **US D666,384 S**
Schindler (45) **Date of Patent:** **** Sep. 4, 2012**

(54) **GARMENT**(75) Inventor: **Heather Thomson Schindler**, New York, NY (US)(73) Assignee: **Times Three Clothier, LLC**, New York, NY (US)(**) Term: **14 Years**(21) Appl. No.: **29/392,830**(22) Filed: **May 26, 2011****Related U.S. Application Data**

(60) Continuation of application No. 29/350,290, filed on Nov. 13, 2009, now abandoned, which is a division of application No. 29/302,500, filed on Jan. 17, 2008, now Pat. No. Des. 606,285, said application No. 29/392,830 is a continuation of application No. 29/350,288, filed on Nov. 13, 2009, which is a division of application No. 29/302,500.

(51) LOC (9) CI. **02-01**(52) U.S. CI. **D2/701**(58) **Field of Classification Search** D2/700, D2/701, 702, 703, 706, 708, 714, 717, 718, D2/723, 731, 732, 756, 793, 800, 828, 840, D2/841, 847; 2/67, 69, 70, 73, 78.1, 78.2, 2/78.3, 104, 105, 109, 110, 112, 113, 66/176; 450/1, 3, 7, 10, 11, 15, 20, 30, 31, 34, 63, 450/64, 86, 94, 95, 96, 112, 115, 116, 122, 450/123, 124, 127, 132, 154

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

357,068 A 2/1887 Dalby
(Continued)

FOREIGN PATENT DOCUMENTS

DE G8513103.2 8/1985
(Continued)**OTHER PUBLICATIONS**Left-hand image on Contents page, "Self" magazine, Jan. 2006 issue.
(2 pages).*

(Continued)

Primary Examiner — Karen E Eldridge Powers(74) *Attorney, Agent, or Firm* — Stroock & Stroock & Lavan LLP(57) **CLAIM**

I claim the ornamental design for a garment, as shown and described.

DESCRIPTIONThis application is related to the following applications:
U.S. Design application Ser. No. 29/362,414, filed on May 25, 2010 now U.S. Pat. No. D623,377,
U.S. Design application Ser. No. 29/362,498, filed on May 26, 2010 now U.S. Pat. No. D622,477,
U.S. Design application Ser. No. 29/350,198, filed on Nov. 12, 2009 now U.S. Pat. No. D616,627, the contents of each of the above applications are hereby incorporated by reference.
FIG. 1 is a front elevation view of embodiment 1, of a garment;

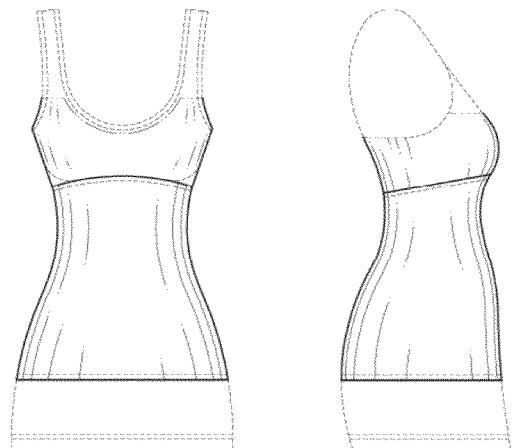
FIG. 2 is a rear elevation view thereof;

FIG. 3 is a right elevation view thereof;

FIG. 4 is a left elevation view thereof;

FIG. 5 is a right side elevation view of embodiment 2, of a garment, where the front and rear elevation views are the same as FIGS. 1-2; and,

FIG. 6 is a left elevation view of embodiment 2, of a garment. The dashed broken lines depicting stitching and the human form shown in the drawings are for environmental structure only and form no part of the claimed design. The dash-dot-dot-broken lines shown at the junction of the bodice with the sleeve and the interior of the bodice represent the bounds of the design and form no part of the claimed design.

1 Claim, 6 Drawing Sheets

US D666,384 S

Page 2

U.S. PATENT DOCUMENTS

570,696 A	11/1896	Brown	
709,200 A *	9/1902	Buckley	2/73
933,739 A	9/1909	Bodensiek	
1,110,749 A	9/1914	De Blieux	
1,121,005 A	12/1914	Farnsworth	
1,191,865 A	7/1916	Workman	
1,249,446 A	12/1917	Mell	
1,683,510 A *	9/1928	Wiese	450/20
1,774,613 A	9/1930	Pidgeon	
1,777,215 A	9/1930	McGill	
1,813,043 A	7/1931	Foreman	
1,886,049 A	11/1932	Rothblum	
D91,329 S	5/1933	Redman	
1,931,822 A	10/1933	Hoffman	
1,977,329 A	10/1934	Tobin	
2,033,456 A	3/1936	Cunningham	
2,040,058 A	5/1936	Mendel et al.	
2,040,657 A *	5/1936	Kops et al.	139/421
2,052,935 A	9/1936	Moran	
2,076,748 A	4/1937	Schweig	
2,097,777 A	11/1937	Rothman	
D110,662 S	7/1938	Rielly	
D111,201 S *	9/1938	Iberman	D2/723
2,190,030 A	2/1940	Kops	
D128,536 S	7/1941	Weil	
D129,894 S	10/1941	Abeles	
2,274,382 A	2/1942	Richman	
2,310,103 A	2/1943	McDonald	
2,335,751 A *	11/1943	Friedman	2/73
2,579,547 A	12/1951	Cadous	
D170,694 S	10/1953	Kahn	
D174,038 S	2/1955	Goldstein	
D174,114 S	3/1955	Dior	
D174,115 S	3/1955	Dior	
D174,194 S	3/1955	Prochaska	
D177,982 S	6/1956	Kahn	
2,963,022 A	12/1960	Spetalmik	
2,976,708 A *	3/1961	Gordon	66/176
D191,347 S	9/1961	Herman	
3,026,875 A	3/1962	Kaupp	
3,036,574 A	5/1962	Jeffrey	
3,060,446 A	10/1962	Horne	
3,066,675 A	12/1962	Herman	
3,217,713 A	11/1965	Kunel	
D211,231 S	6/1968	Salisky	
3,421,513 A	1/1969	Landau	
3,422,818 A	1/1969	Erteszek	
3,454,013 A	7/1969	Cahill	
3,479,844 A	11/1969	Silvain	
3,490,449 A *	1/1970	Ewehahn	450/155
3,556,106 A	1/1971	Rosner	
3,582,993 A	6/1971	Keller	
3,699,590 A	10/1972	Webber et al.	
D234,649 S	4/1975	Lo Cascio	
D239,475 S	4/1976	Lo Cascio	
3,949,426 A	4/1976	George	
4,377,007 A	3/1983	Sudjian	
4,916,755 A	4/1990	Feigenbaum et al.	
4,976,653 A	12/1990	White	
5,083,316 A	1/1992	Kuehner	
5,094,648 A	3/1992	Turner	
5,461,725 A	10/1995	Witczak	
5,566,392 A	10/1996	Dzelzkalns	
5,605,060 A	2/1997	Osborne	
5,667,422 A *	9/1997	Erwin	450/30
D391,740 S	3/1998	Barrington et al.	
D393,736 S *	4/1998	Rubin	D2/717
5,772,492 A *	6/1998	Erwin	450/30
5,915,531 A	6/1999	Hilpert et al.	
6,000,993 A	12/1999	Erwin	
6,061,832 A	5/2000	Morrison	
6,185,741 B1	2/2001	Kehoe	
D452,600 S	1/2002	Kim	
D453,058 S	1/2002	Kim	
D453,255 S	2/2002	Kim	
6,430,748 B1	8/2002	Burkhart	
D476,464 S	7/2003	Jenkins	
6,766,533 B1 *	7/2004	Meier et al.	2/67

6,846,217 B1	1/2005	Struble et al.	
D521,712 S *	5/2006	Overby	D2/717
7,115,015 B2 *	10/2006	Horii et al.	450/33
7,181,775 B2 *	2/2007	Carney	2/311
D556,978 S	12/2007	Thunstedt	
7,395,557 B1	7/2008	Ledyard	
D595,480 S	7/2009	Giugliano	
RE41,654 E *	9/2010	Struble et al.	450/31
7,878,881 B2 *	2/2011	Hendrickson	450/36
7,900,276 B2 *	3/2011	Hendrickson et al.	2/237
D644,411 S *	9/2011	Guerrier	D2/703
D644,412 S	9/2011	Reuther	D2/714
2001/0054303 A1 *	12/2001	Browder, Jr.	66/171
2004/0163159 A1 *	8/2004	Edwards et al.	2/338
2006/0242748 A1	11/2006	Martz	
2007/0094765 A1	5/2007	Summers et al.	
2007/0118062 A1 *	5/2007	Fleck	602/75
2008/0078208 A1 *	4/2008	Kronbach	66/171
2008/0134409 A1	6/2008	Karasina	
2008/0244805 A1	10/2008	Griffin	
2009/0299258 A1 *	12/2009	Cureington-Sims	602/61
2011/0061147 A1 *	3/2011	Welfeld	2/237

FOREIGN PATENT DOCUMENTS

DE	202005000716 U1	4/2005
EP	0174179	3/1986
EP	0774241	5/1997
EP	1082951	3/2001
EP	1125566	8/2001
EP	000385562-0106	7/2005
EP	000454202-0027	12/2005
EP	000454202-0121	12/2005
EP	000633755-0027	12/2006
EP	000730403-0023	5/2007
GB	116526	6/1918
GB	212307	3/1924
GB	1603600	11/1981
GB	3020687	7/2005
GB	4004524	10/2007
JP	2-82707	6/1990
JP	2001-172806	6/2001
JP	2002-138302	5/2002
JP	2003-129303 A	5/2003
JP	2005-281893 A	10/2005
JP	2006-316359 A	11/2006
JP	2007-146337 A	6/2007
JP	2007-303002	11/2007
JP	2008-156812 A	7/2008
WO	96/08217	3/1996
WO	01/75201	10/2001

OTHER PUBLICATIONS

Cover and ad page picturing Serena Williams, "Lucky" magazine, Oct. 2003. (2 pages).*

Mila Kunis Magazine Cover, [on-line]; [downloaded from the Internet on May 5, 2012]; [cover identified is for Oct. 2003 issue]; URL: <http://www.whosdatedwho.com/tpx_1783/mila-kunis/magazinecovers_13>. (4 pages).*

Maidenform Brands, Inc. Reports Second Quarter 2011 Results and Provides Guidance for Full Year 2011, News Releases—General News, Iselin, NJ—PRNewswire via COMTEX/ Aug. 10, 2011.

Associated Press, "Maidenform 2Q net income drops on settlement," Forbes.com (Aug. 10, 2011). http://www.forbes.com/feeds/ap/2011/08/10/business-specialized-consumer-services-us-earns-maidenform_8611962.html?partner=email—printed Aug. 12, 2011.

Maidenform's Responses and Objections to TTC's First Set of Requests for Production of Documents (Nos. 1-144)—Aug. 24, 2010.

Maidenform's Second Set of Requests for the Production of Documents and Things (Nos. 78-123)—Sep. 3, 2010.

Maidenform's Second Set of Interrogatories (Nos. 16-17)—Sep. 3, 2010.

Maidenform's First Supplemental Responses and Objections to TTC's First Set of Interrogatories—Sep. 10, 2010.

TTC's Responses to Maidenform's Second Set of Requests for Production (Nos. 78-123)—Oct. 12, 2010.

US D666,384 S

Page 3

TTC's Written Responses to Maidenform's Second Set of Interrogatories (Nos. 16-17). San Francisco Chronicle article—MF0001240-1242. Women's Wear Daily article—MF0001087-1088. Oct. 12, 2010.

Maidenform's Responses and Objections to TTC's Supplemental First Set of Interrogatories (Nos. 1A-18A)—Nov. 26, 2010.

I. Donner's Objections to Maidenform's Request for Production of Documents Included in the Subpoena to I. Donner—Feb. 22, 2011.

Email from Christine Conforte to Heather Schindler "FW: Tummy Tee," sent Dec. 1, 2006.

Email from Christine Conforte to Heather Schindler "Liz Lange," sent Dec. 13, 2006.

Email from Heather Schindler to Christine Conforte "Liz Lange," sent Dec. 13, 2006.

Email from Christine Conforte "Liz Lange," sent Dec. 11, 2006.

Email from Heather Schindler to Christine Conforte "Liz Lange," sent Dec. 9, 2006.

Email from Christine Conforte to Heather Schindler "Liz Lange," sent Dec. 7, 2006.

Email from Heather Schindler to Christine Conforte "Liz Lange," sent Dec. 7, 2006.

Email from Christine Conforte to Heather Schindler, "Liz Lange," sent Dec. 6, 2006

Email from Heather Schindler to Liz Lange copying Michelle Mooring and Christine Conforte, "Follow Up," sent Jan. 24, 2007.

Email from Liz Lange to Heather Schindler copying Christine Conforte and Michelle Mooring, "Follow Up," sent Jan. 23, 2007.

Email from Heather Schindler to Liz Lange copying Christine Conforte and Michelle Mooring, "Follow Up," sent Jan. 23, 2007.

Email from Liz Lange to Heather Schindler copying Christine Conforte "Follow Up," sent Jan. 19, 2007.

Email from Heather Schindler to Christine Conforte copying Michelle Mooring "FW: TummyTube," sent Jan. 31, 2007.

Email from Christine Conforte to Heather Schindler copying Liz Lange "TummyTube," sent Jan. 30, 2011.

Email from Heather Schindler to Liz Lange copying Michelle Mooring and Christine Conforte "TummyTube," sent Feb. 6, 2007.

Email from Liz Lange to Heather Schindler and Christine Conforte "TummyTube," sent Feb. 2, 2007.

Email from Heather Schindler to Christine Conforte copying Liz Lange "TummyTube," sent Feb. 2, 2007.

Email from Christine Conforte to Heather Schindler copying Liz Lange "TummyTube," sent Jan. 30, 2007.

"Style Spy," Lucky Magazine, p. 26, Jan. 2002 issue.

LeCove swimwear catalog, p. 26 received by Applicant Aug. 24, 2010.

JC Penney maternity catalog, p. 165 received by Applicant Aug. 24, 2010.

WWD Intimates catalog, cover received by Applicant Aug. 24, 2010.

"Fashion Q & A," Shape Magazine, p. 68. Jan. 2008 issue.

Vogue Magazine, vol. 15, cover received by Applicant Aug. 24, 2010.

"Self Selects," Self Magazine, p. 162. Jun. 2000 issue.

"Do good while you shop," Lucky Magazine, p. 286. Oct. 2006 issue.

"Photo Finish," WWD Intimates catalog. 2006.

"Shapewear Report," In Style Magazine, pp. 338-346. Sep. 2007 issue.

Self Magazine advertisements. Jun. 2007 issue.

Self Magazine, p. 33. Dec. 2007 issue.

"My best stress bust is . . .," Self Magazine, p. 200. Apr. 2002 issue.

Times Three Clothier, LLC Sales Order No. 1000, Sales Order Date Apr. 30, 2007.

Email from Ivan A. Saperstein to Heather Schindler copying Michelle Mooring and J. Schindler "Gatsby's" sent Jul. 20, 2007.

Email from Heather Schindler to Ivan A. Saperstein copying Michelle Mooring and J. Schindler "Gatsby's" Jul. 20, 2007.

Email from Ivan A. Saperstein to Michelle Mooring, Heather Schindler and J. Schindler "Gatsby's" Jul. 20, 2007.

Invoice billed and shipped to Seams Beautiful-Carolyn Weaver, Invoice # 00006138, Aug. 11, 2006.

Invoice billed and shipped to Seams Beautiful Carolyn Weaver, Invoice # 00006155, Aug. 25, 2006.

Packing Slip to Seams Beautiful, Aug. 25, 2006.

Maidenform v. Times Three Clothier LLC d/b/a Yummie Tummie, Case No. 10-cv-1661 (GBD)—Skinny Cami Declarations. pp. 1-118 (submitted in 9 parts) received by Applicant Dec. 14, 2010.

Applicant's Specifications. pp 1-3 (submitted in 1 part) dated May 24, 2007-Jun. 11, 2007.

Maidenform's Initial Disclosures—Jul. 9, 2010. pp. 1-13 (submitted in 1 part).

Maidenform's Responses and Objections to TTC's First Set of Interrogatories (Nos. 1-18)—Aug. 24, 2010. pp. 1-12 (submitted in 1 part).

Skinny Camisole Slimmer Corset Shaper Girdle, http://co103w.co1103.mail.live.com/mail/RteTrame_15.1.3059.0405.html?pf=pf (URL is incomplete). pp. 1-3 (submitted in 1 part) received by Applicant Aug. 24, 2010.

Applicant's Tummy Tees. pp. 1-3 (submitted in 3 parts). 6Ba is Applicant's Tummy Tee early prototype sewn in Feb./Mar. 2005. 6Bb and 6Bc are photos of Applicant's production sample first received May 30, 2007.

Gazelle Sleeveless Long Shirt, Adidas, www.shopadidas.com/product/index.jsp?productID=3847890&v2=y&cp=3748175.3 . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

Super Soft Slimmer Tank, MyShape, www.myshape.com/shop/style/11906?ci_sku=11906&utm_source . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

Ann Michell Spaghetti Strap Tank Top Style 982, Lauren Silva, www.laurensilva.com/Ann_Michell_Spaghetti_Strap_Camisole_Control_Shirt_p/an . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

New Marilyn Monroe Smoothing Camisole 7762, ebay, www.cgi.ebay.com/New-Marilyn-Monroe-Smoothing-Camisole-7762-28 . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

Nancy Ganz The Belly Band Convertible Bodybriefer 3313, Her Room, www.herroom.com/Nancy-Ganz-3313-The-Belly-Band-Convertible-Bodybriefer.sht . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

Nike Seamless Airborne Women's Long Tank Top, Nike, http://store.nike.com/us/en_us/?1=shop.pdp,ctr-inline/cid-1/pid-282277/pgid-238467 received by Applicant Aug. 24, 2010.

Nike Fly Lightweight + Women's Sports Top, Nike, http://clothing-and-accessories.become.com/nike-fly-lightweight-womens-sports-top-com . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

Pretty Shapewear Camisole, SassyBax, www.sassybax.com/pretty-camisole.php received by Applicant Aug. 24, 2010.

Underwire Torso Trim, SassyBax, www.sassybax.com/underwire-trim.php received by Applicant Aug. 24, 2010.

The Torso Trim, SassyBax, www.sassybax.com/torso_trim.php received by Applicant Aug. 24, 2010.

Belly Bra, JCPenney, www.jcpenney.com/jcp/X6.aspx?DeptID=51669&CatID=51669&Grptype=Siz&Item . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

Secret Sculptor Tunic, Shape Fx, www.shapefx.com/store/Shapewear_Shop_by_Category_Camis_Tanks_Se . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

The Skinny, www.skinnycami.biz/files/ received by Applicant Aug. 24, 2010.

Slimplicity Lingerie Strap Camisole, Spanx, www.spanx.com/product/index.jsp?productID=3977353&cp=2992553.4015964&par . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

Hide & Sleek Cami, Spanx, http://web.archive.org/ . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

Hide & Sleek Full Slip 18 Inch 060A, Spanx, www.herroom.com/Spanx-060A-Hide-Sleek-Full-Slip-18-Inch.shtml received by Applicant Aug. 24, 2010.

Teez-Her The Skinny Tank, Teez-Her, www.essentialapparel.com/index.cfm/a/catalog.prodshow/vid/72638/catid/267/Teez . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

Cami-Rolls, http://camiroolls.com/shop.shtml received by Applicant Aug. 24, 2010.

TummyTee, www.redefyne.com/tummytee.html received by Applicant Aug. 24, 2010.

US D666,384 S

Page 4

Champion Seamless Empire Top with Built-In Sports Bra, Champion, www.championusa.com/Champion/Products/Women-Champion/Women_ShopByCategory.aspx . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

Cosabella Smooth Bodyshaper Cami SHPE702, CosaBella, www.herroom.com/Cosabella-Shep702-Smooth-Bodyshaper-Cami.shtml received by Applicant Aug. 24, 2010.

Daisy Fuentes Slimming Camisole, Kohls, www.kohls.com/upgrade/webstore/product_page.jsp?PRODUCT%3C%3Eprd_id=8 received by Applicant Aug. 24, 2010.

582L Countouring Balconet Bra Cami-Long Torso, Dumi Shapewear, www.du-mi.com/store/product-info.php?pid=12.html received by Applicant Aug. 24, 2010.

Very Precious, Great Glam, <http://greatglam.com/pd-very-precious.cfm> received by Applicant Aug. 24, 2010.

Sensual Charm, Great Glam, <http://greatglam.com/pd-sensual-charm1.cfm> received by Applicant Aug. 24, 2010.

Yalof Schwartz, Suze, "Too Busy for the Gym?" Glamour, www.glamour.com/fashion/blogs/slaves-to-fashion/2007/10/too-busy.aspx . . . (URL is incomplete) received by Applicant Aug. 24, 2010, Page shown present on Internet approximately Oct. 2007.

Underwire Torso Trim, Sassybax, <http://webarchive.org/web/20071020033219/sassybax.com> received by Applicant Aug. 24, 2010, Page shown present on Internet on Oct. 20, 2007.

Nancy Ganz The Belly Band Convertible Bodybriefer 3313, Nancy Ganz, www.herroom.com/NancyGanz.aspx . . . (URL is incomplete) received by Applicant Aug. 24, 2010, Page shown present on Internet on Nov. 25, 2007.

Spanx Hide & Sleek Full Slip 060A, Spanx, www.herroom.com/Spanx-Hide.aspx . . . (URL is incomplete) received by Applicant Aug. 24, 2010, Page shown present on Internet on Nov. 1, 2001.

Spanx Hide & Sleek Cami 050, Spanx, www.herroom.com/Spanx-Hide.aspx . . . (URL is incomplete) received by Applicant Aug. 24, 2010, Page shown present on Internet on Oct. 30, 2007.

Collection of Photographs received by Applicant (submitted in 3 parts) on Dec. 8, 2010 received by Applicant Aug. 24, 2010.

Alleged Ann Mason Receipt; Nov. 26, 2006.

Declaration of Ann Mason; May 19, 2007.

Yummie Tummie and Maidenform Settle Patent Infringement and Invalidity Lawsuits, Fox News 44, PR Newswire (2011). <http://www.fox44now.com/story/15242333/yummie-tummie-and-maidenform-settle-patent-infringement-and-invalidity-lawsuits?clienttype=printable>—printed Aug. 12, 2011.

Maidenform Brands, Inc. Reports Second Quarter 2011 Results and Provides Guidance for Full Year 2011, News Releases—General News, Iselin, NJ—/PRNewswire via COMTEXT/ Aug. 10, 2011.

Associated Press, "Maidenform 2Q net income drops on settlement," Yahoo News (Aug. 10, 2011). <http://news.yahoo.com/maidenform-2q-net-income-drops-settlement-125621767.html>—printed Apr. 20, 2012.

* cited by examiner

U.S. Patent

Sep. 4, 2012

Sheet 1 of 6

US D666,384 S

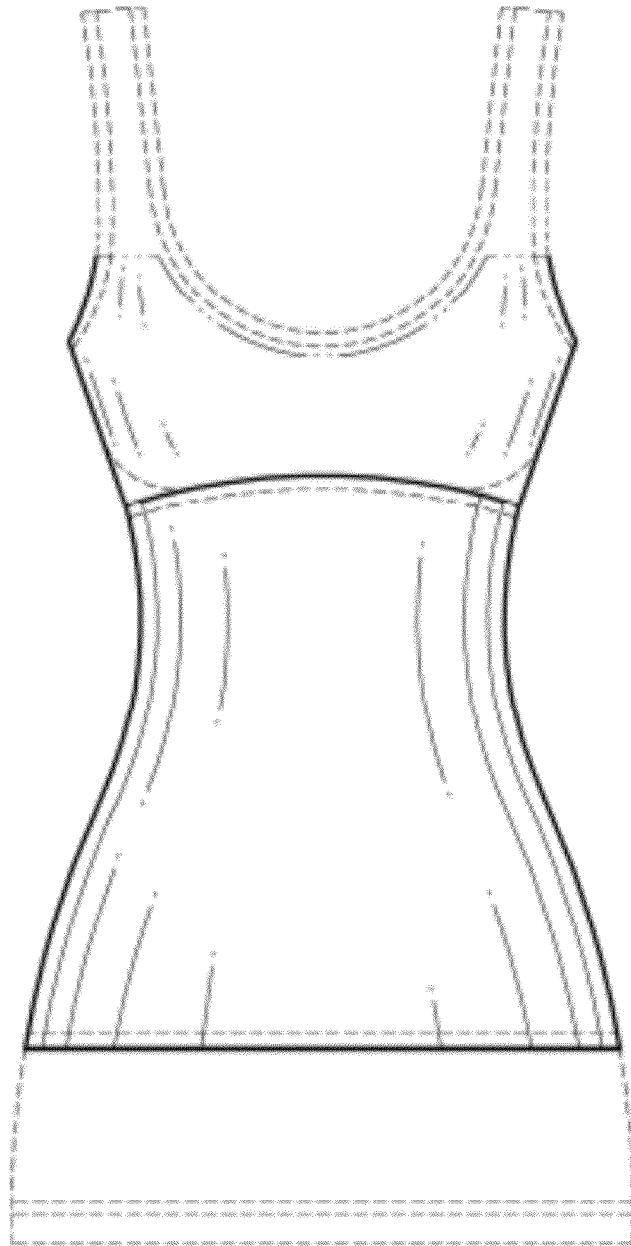


FIG. 1

U.S. Patent

Sep. 4, 2012

Sheet 2 of 6

US D666,384 S

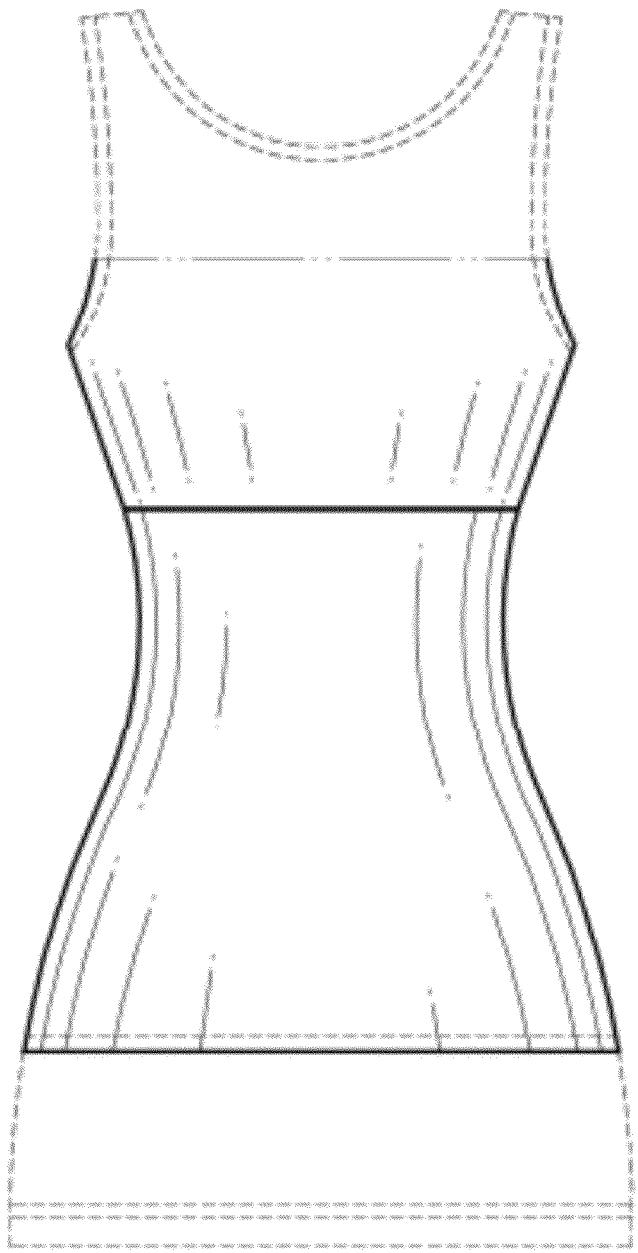


FIG. 2

U.S. Patent

Sep. 4, 2012

Sheet 3 of 6

US D666,384 S

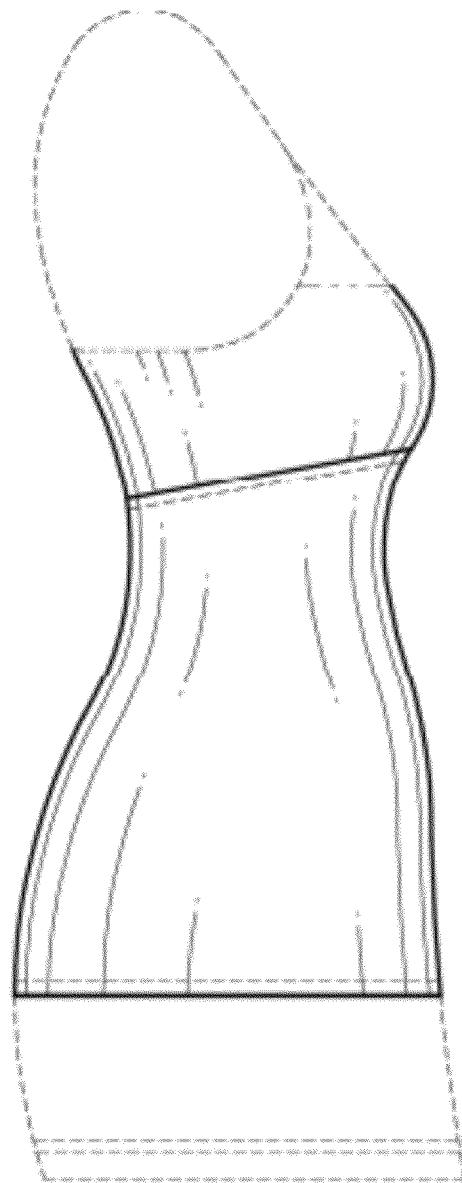


FIG. 3

U.S. Patent

Sep. 4, 2012

Sheet 4 of 6

US D666,384 S

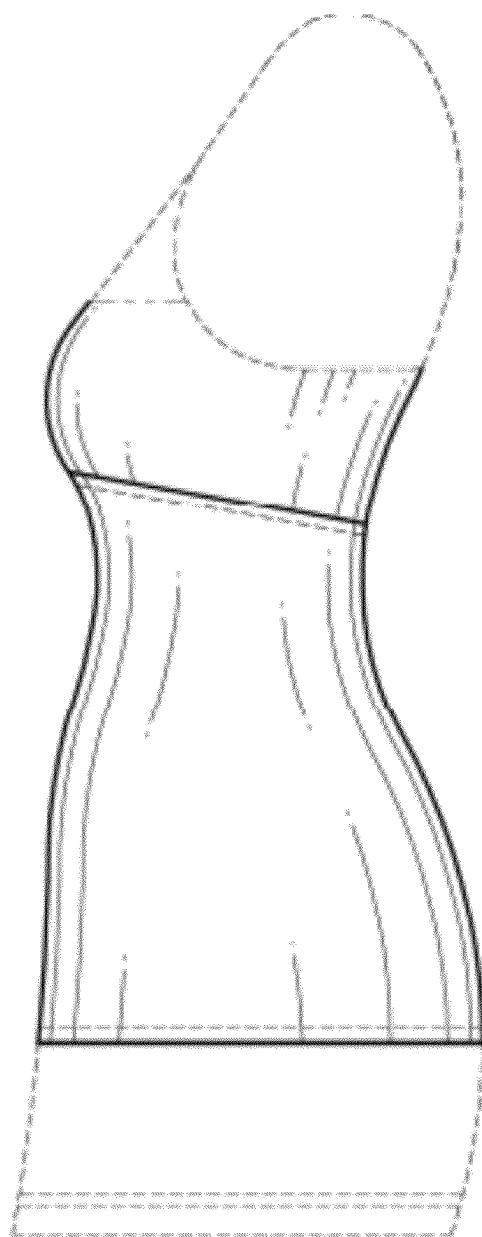


FIG. 4

U.S. Patent

Sep. 4, 2012

Sheet 5 of 6

US D666,384 S

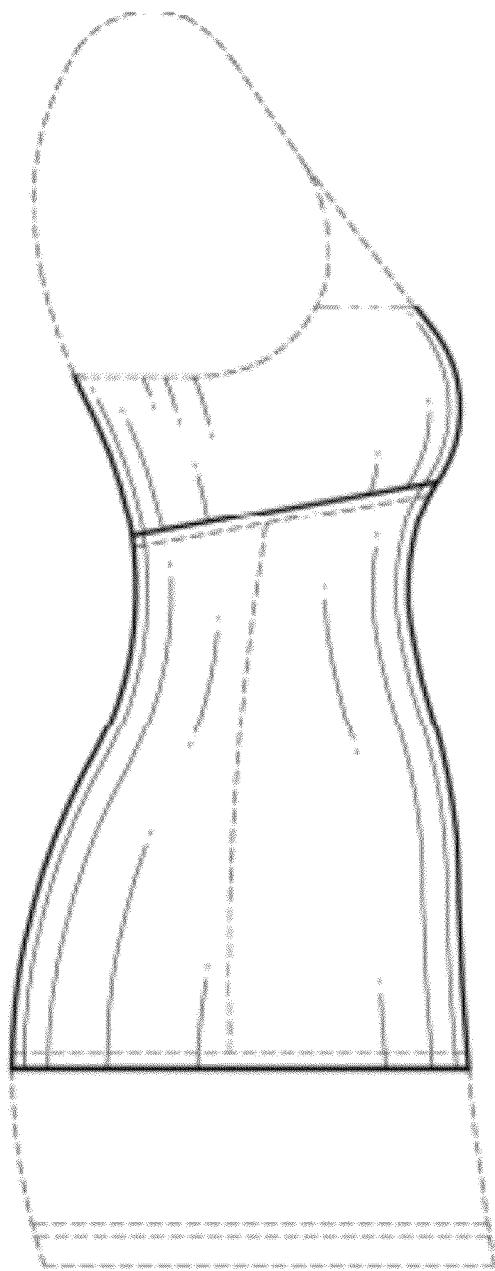


FIG. 5

U.S. Patent

Sep. 4, 2012

Sheet 6 of 6

US D666,384 S

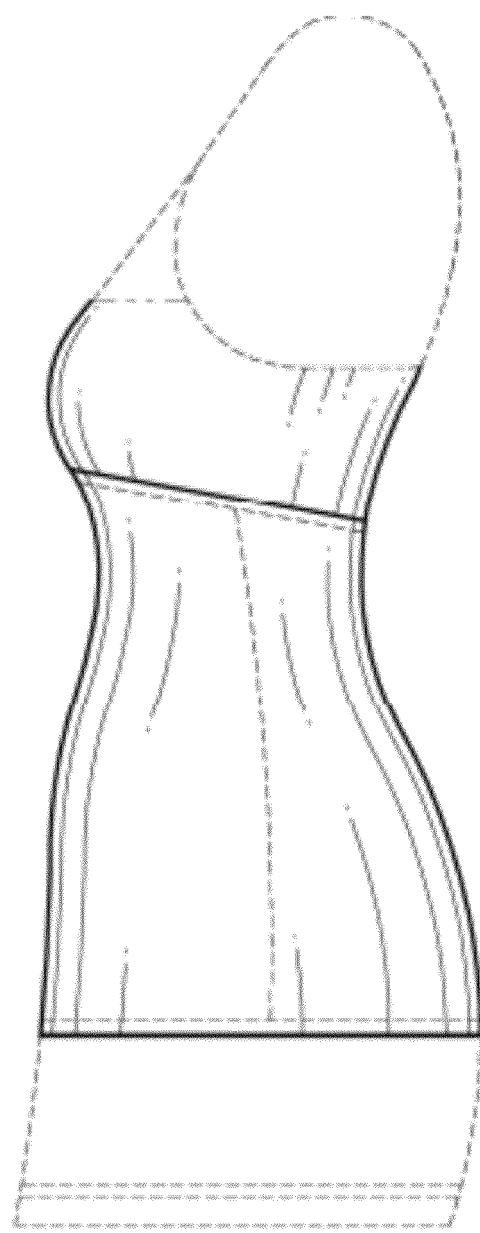


FIG. 6

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : D666,384 S
APPLICATION NO. : 29/392830
DATED : September 4, 2012
INVENTOR(S) : Heather Thomson Schindler

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title page:

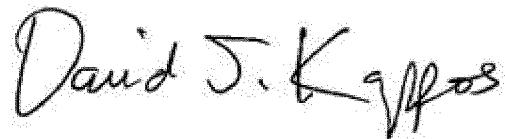
Change the following from:

“Continuation of application No. 29/350,290, filed on November 13, 2009, now abandoned, which
is...”

to

-- Continuation of application No. 29/350,290, filed on November 13, 2009, now Pat. No. Des.
667,607, which is... --

Signed and Sealed this
Thirteenth Day of November, 2012



David J. Kappos
Director of the United States Patent and Trademark Office